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To Ola

[PROLOGUE]

On a gray fall morning, November 14, 1958, I climbed slowly up the long flight of steps to the entrance of the Supreme Court building in Washington. I was alone except for that invisible host of witnesses that had accompanied me faithfully through four long years of litigation to determine how our historic constitutional guarantees of liberty were to apply to me. Mingled feelings of pride and pain came over me. I was awed to think that I, a plain American citizen, was to engage the attention of that august tribunal when it heard the arguments on *Uphaus v. The State of New Hampshire.*

Memories poured in of an eventful life lived in a wonderful land that had been gracious to me in many ways. Under freedom I had tilled the soil in Indiana, grown up in the church, and taught in the schools. I had fought with labor during the Great Depression for the right of workers to organize and live a decent life. I had worked for the end of discrimination against my black brothers and sisters. I had many times traveled a kind of no-man's-land between conflicting groups in an effort to reconcile differences on the basis of respect for the dignity of all human beings and of the goals of justice and peace.

Now I was concentrating my life's efforts on a center in the New Hampshire mountains where anyone with fellowship in his heart may come to think and talk and listen as he will, where all can seek the good life, learning from each other how to smooth the friction points that keep us apart. The great heritage of the Bill of Rights had taken hold of me. I had had the protection of its guarantees all my life, and now it had fallen to my lot to uphold these guarantees in the case that was to be heard that very morning.

Chiseled high above the entrance to the Supreme Court Building are the words EQUAL JUSTICE UNDER THE LAW. For me these words represented the character and integrity of the nation. Despite reverses in the lower courts I felt an inner serenity and the deep assurance that the voice of conscience had not betrayed me. It was still morally wrong to injure innocent persons by exposing them to humiliation and harassment at the hands of inquisitors. Lower courts had been swayed, I felt, by the fears and passions of troubled times, but now, finally, I would find shelter and security at the hands of the highest interpreters of the constitutional liberties under which I had been nurtured.

Once inside the impressive home of the highest court of the land I was enveloped by spaciousness and quiet. A long distance ahead lay the chamber where the justices sat. People who were to attend the hearing stepped lightly and voices were subdued. It seemed that here the harsh, competitive world was shut out and that reason and judgment could prevail. I took a seat with calm and hope in my heart.

[CHAPTER ONE]

I was born at five o'clock on Thanksgiving morning, November 27, 1890, on a farm near Muncie, Indiana. There was great excitement in the household; a brother who came before me had died in infancy. I would bring new life again. A story is told that my father, Sam, was so excited that when he went out to get a rooster to celebrate, he killed one of his best steers instead. My mother, Mary, suffered so much that the family doctor told her, "Never again."

My first memories are of that doctor—Dr. Farquhar—treating a boil on my back as I sat on Father's lap. I was two. Then Mother rocking me to sleep, again and again. These were the beginnings, the sense of being included in a loving family. It included a strict grandfather, Bernhardt Uphaus, a retired minister in the Evangelical Association into which I was born, and parents who combined affection and rigorous discipline in a remarkable manner. Father was six feet in his socks, straight and handsome. He never laid a hand on me. One look and a pointed finger always brought me around. Mother, little more than five feet, applied a paddle on rare occasions, but never in anger.

Grandfather, after his retirement, had purchased the 100-acre farm that was our home. A joke in the family was that we had almost been millionaires instead of hard-working farmers, for Grandfather at one time had owned 80 acres in what became downtown Chicago. He sold 40 acres of that tract for a song, and traded the other 40 for a horse and saddle. I take after him as far as any acquisitive sense is concerned.

Living with us, he never acted like a landlord. In fact, all he ever asked was his board and keep. Now, myself seventy years old, I think of him often. He was to have tremendous influence on my life. He was a puritan with a strong mixture of tenderness, and I came to regard him as a fitting representative of an ever-watchful God in the skies who kept a faithful record of my virtues and misdeeds. He had his own room, into which I often tiptoed to see what he was doing. I can see him now rocking vigorously in winter by the gas heater, singing German hymns that bespoke his faith. German was the first language I learned, and Grandfather turned away from me when I tried to use my first English learned at six in the country school.

Father was a good farmer, but he enjoyed working with machinery much more. By the time I was eight he and a neighbor owned a sawmill, a thresher and a clover huller. During the threshing season I would not see him from Monday to Saturday, so far away would he go to do people's threshing. Mother, so much like her peasant forebears in Europe, worked like a man with the animals and in the garden. Father knew everything would go well while he was away.

Presently, however, a hired man, Joe Ulmer, joined our family. When we gathered at meals we were five. There was Grandfather at one end eating his gruel and breaking the end of a soft-boiled egg. Mother was always jumping up and down spoiling the men by her waiting on them. Think of starting the day with hot rolls, cereal, cream, butter, sausage and maybe a second meat, eggs—and pie. We all ate well, but I have special memories of Joe's unlimited capacity.

Meals never began in our home without grace being said. We took turns—I with a special prayer appropriate to my age. Joe rebelled, not holding much with formal religion, but I am sure he was grateful for mother's good food. To this day a meal is not complete without thanking God for His goodness, and I wonder how anyone can proceed without at least bowing to the wonders of nature and the labor of those who provide our food.

I am sure that the sights and sounds of youth have much to do with our characters. It may be argued whether I had more or less fun than the children of today. The environment was quiet—except for wind, rain and thunder and the sounds of animal life—and simple. Life was without sophistication and the excitement of a gadget age. Even though I was the only child, and all members of the family were out of sight or preoccupied with their own affairs, I do not remember having been lonely.

Toys bought in town were few, but I spent hours making and flying kites. And to this day when I see kites caught on wires in the city I feel sorry for the boys trying to fly them, for I had so much room. One had to become expert at judging the length and weight of tail appropriate to the kite. From day to day the kites became larger, and I learned to let them out gently until they were almost out of sight.

A climax of craftsmanship came when I managed to send up a carriage with parachute suspended along the kite string. The carriage had a trip that released the parachute when it hit the kite. I built the carriage of wood and tiny metal wheels, an idea I had gotten from the way the hay fork in the barn ran on wheels. I made the parachute of cloth and string—that idea I had gotten from watching balloon ascensions at the county fairs. How I watched for the moment of the parachute's release! A big part of the excitement then was to tie the kite string to a tree or fence and race across the field to be there when the parachute hit the ground.

Joe was a big tease. Because I had no real brother, he played big brother to me. He frequently angered me, but I loved him dearly, so that I became his slave, running errands or feeding and currying his little mare in readiness for his four-mile drive out to see his girl. As far as I remember, the only time I swore as a child was at Joe, when in a fit of anger I called him a "son-of-a-gun bitch." We were in the barn, which was a considerable distance from the house. But he laughed so loud that Mother heard in the house and became curious. When she learned what I had done she did not whip me, but looked as troubled as if I had sinned against the Holy Ghost, a final kind of sin that put boys like me beyond redemption. I felt so foul-mouthed I never grieved her again—that is, by swearing. Profanity was strictly out of order at our house.

The sounds and sights of my boyhood still live in my consciousness. I recall the walks in our woods with its stately oaks and walnut trees. In winter the gentle snowflakes sifted down on branches already groaning with the weight of ice glistening in the sun; in spring, the bursting of buds and leaves and the gurgle of water as it churned its way to the Mississinewa; in summer, the storms, with swaying trees, streaks of lightning and claps of thunder; and in the fall, the variety of color that differentiated the trees. They seemed like people who, so much alike in youth, had taken on with age the distinct characters inherent in their nature. And with autumn come memories of the gathering of the harvest, and the words of our beloved Hoosier poet, James Whitcomb Riley—"The frost is on the pumpkin, and the fodder's in the shock." How many times I had seen that great mystery of the night—the frost laid over the land!

I can hear the rooster crowing at the crack of dawn, and the gas in the kitchen range—we were over a natural gas field that had been tapped—the tearing of the plowshare through the sod, and the excited chatter of lines of Mother's white hens as they followed the furrows looking for worms. Quiet, moonlit nights fascinated me, especially in springtime, as I listened to the peepers, the hoot of the owl, the cackles of the guineas in the orchard trees, and the low, drumlike croak of the bullfrog. With muscles weary from work and play, I would stretch out on the kitchen steps, and from there I could hear the satisfied grunt of well-fed pigs, or the distressed cry of a young heifer that had been separated from her first baby.

I grew up in a German rock-ribbed Republican neighborhood, and remember feeling really sorry for the two misguided families that were Democrats. Of course, this was only forty years after Lincoln's death. In fly season Mother would often say, "Willard, swat that Democrat."

The little red schoolhouse was all I knew during the first eight grades. It was District No. 1 in Green Township, Randolph County. I am so specific because it turned out that under the leadership of a pioneer in rural education, Lee L. Driver, I was later to teach in the first graded centralized school in the United States in that very township. Grandfather had sold a corner out of one field for that one-room building that was my first school. The term was six months long. In the depth of winter we froze on one side and baked on the other as we huddled up to the wood stove in the center of the room. Only once during the eight years was I permitted to miss school, and that was when Carl Green and I, the only pupils in the eighth grade, were kept out a few days to help our fathers husk corn.

It was during the later years in the grades that, leafing through a dictionary, I happened to find the word "philosophy" and puzzle over it. Love of wisdom. It appealed to me; the trait was always in me to try to fathom the mystery that lay behind what my childhood senses had taken in. I was a very religious youngster.

There were pre-conditioning factors in childhood that led me later to choose philosophy as my major in the university. My grandfather, for one, held well-defined theological concepts that overawed me. While I could not understand, I felt that he had some kind of communion with Jehovah that impressed me. He was always trying to look under the surface of things. Father, too, was speculative by nature, although he had never quite completed the eighth grade. He and Mother, who never got beyond the sixth grade, possessed that earthy wisdom that comes from first-rate minds, love of the earth and the people, and respect for good works.

As I write in my cell in the Boscawen jail tonight, imprisoned because a judge, bound by the letter of the law, held that I was in contempt for not informing on people who came to our World Fellowship Center, I think how much my grandfather Uphaus, my mother and father, and the little Emmettsville church laid a foundation for my conscience of today. I am sure that if Grandfather Uphaus were arguing religion and theology with me now, he would be shocked by what higher criticism, modern science and political radicalism had done to me, but we would still have something very basic in common—a faith in God and the moral uprightness that flows from such a faith. With new experience and ripening years, conscience becomes more enlightened possibly, but whatever it demands, you live by it. You don't waver. You don't equivocate.

These thoughts are mixed up, too, with another remembrance of that childhood, my father's saying to me, "You know, Willard, man does not have a soul." I was stunned, for I was certain I had a soul that was located, capsule-like, right behind my forehead. It upset me to have Father, who read the Bible daily, taught Sunday school, and listened to sermons, come up with such sudden unbelief. After watching my sober face for a minute he laughed, saying, "Man does not have a soul. He is a living soul."

[CHAPTER TWO]

There was no high school in our township when I graduated from grade school in 1905, and none close enough for daily attendance. Carl Green and I made up the entire graduating class, and Carl, of course, had no thought of further schooling. No graduate of our school had ever yet gone on to high school. There were misgivings among our friends about my parents' determination that I should. It was widely feared that high school might "make Sam's boy uppity."

We had three very effective allies, though. A mile to the south of our farm lived Fred Lesher, a fine farmer and an active member of the church. Slender, wiry Fred Lesher had been to high school, and he provided an unanswerable argument in favor of higher education. When it was his turn to expound the Scriptures, the words assumed a deeper meaning somehow, and everyone had to admit that he had something the rest of us had not.

The second ally was Lee Driver. Never was a man more aptly named. Lee Driver was even then trying to bull through his plans for the first consolidated school in the United States. He was an energetic bantam of a man with a coxcomb of graying hair, and he was our county superintendent. He was seconded in his consolidated school project by our third ally, Emmanuel Zimmerman, the township trustee. These two men had had their eye on me for several years as a likely wedge with which to crack open the community's solid grade-school-only tradition.

When Lee Driver fixed a doubting farmer with his piercing eye and said that country children were being denied the educational opportunities enjoyed by the city youngsters, it took a stubborn man to disagree with him. Those who resisted Driver were faced with Emmanuel Zimmerman, who would drive around the county for miles, a huge hunk of chewing tobacco bulging his cheek, stopping amiably to talk and gossip at every opportunity. They were a powerful combination.

Ranged against us were the forces of custom and suspicion. Parents were distressed at the thought of children being driven in school hacks to faraway places instead of walking a short way down the road, in sight of neighborly eyes all the way. Who could tell what sorts of ideas they might get from teachers who were foreign to us? What did the sons and daughters of our farmers need to know that they couldn't learn right there in the little building on the corner of Grandfather's field?

Lee Driver and Emmanuel Zimmerman won the day. When the time came, the township provided county funds for tuition so that I could go away to high school.

There was a high school in Red Key, six miles away. It's hard to believe now, but in those days of buggies and poor roads, it was out of the question to make the trip daily. Our pastor, Peter Speicher, and his family lived in Red Key, and agreed to provide me with a room, board, and Christian supervision for two dollars a week. And so it was arranged.

Mother drove me to Red Key each Monday morning, leaving me there with the admonition to be a good boy and study hard. When she called for me each Friday afternoon, I faced an examination on my lessons and deportment far stiffer than any schoolmaster's, with Brother and Sister Speicher standing by to fill in any gaps in my answers. The Speicher neighbors soon knew about me, too, especially since Mother became acquainted quickly, and brought them fruits and vegetables from the farm.

The first week I had ever spent away from my parents was a painful stretching of horizons, in spite of Sister Speicher's motherly kindness. Brother Speicher frightened me at first, rising at 4 A.M. to pray and read the Bible aloud in his study, and then greeting us at the breakfast table with a long and awesome prayer. Their two lively daughters, Lydia and Mamie, helped me over my first dismay and we soon became fast friends. They were friendly, attractive girls, and if they hadn't been somewhat older, I would surely have fallen in love with one or both of them. After that first week, I felt very much at home in my upstairs room in the house with the white pillars and big front porch.

From farm to small town was not so much of a step in those days. Red Key was a thriving place, but we still bartered eggs for groceries and wheat for flour. The farm men joined the town men on kegs and boxes at the store—outside in summer, indoors around the stove in the winter—swapping stories and talking about the weather, the markets and politics in the time-honored way. All of them were close to the land and close to one another.

Among the thirty members of the freshman class at Red Key High School I soon found a buddy. Earl Jones, the youngest of the school janitor's children, was small and dark, and the fact that he was smaller than I, and that his mother insisted he wear an enormous knitted scarf and overshoes whenever he went outdoors, made it impossible for me to be shy with him. Helping Earl's father clean off the blackboards after school hours gave me a comfortable feeling of being "in."

Exploring the town, I soon found my way to the revolving rack of books at the rear of "Doc" Pierce's drugstore. Courtly Dr. Pierce, with his bushy hair and beard and his fascinating real diamond stickpin, was one of the decisive influences in my life. There was no library in Red Key, but the drugstore shelves contained a wealth of classics, poetry and textbooks which I was permitted to sample at will. Dr. Pierce also sold pianos on commission, and the world of classical music opened up for me the day he sold me a magnificent player piano that was delivered to the farm at Christmas time complete with rolls of fine music. Before that there had been a small pump organ on which I had been taught by a neighbor to pick out hymn tunes. My halting efforts delighted Jimmy, my pet pigeon, who would perch on the organ as I played and cock his head appreciatively. Now I could pump away for hours, reveling in expert renditions of Chopin, Brahms, my favorite Liszt, or a booming march, until my legs began to cramp.

In classes I was pleased to find that I could hold my own without too much difficulty. Math and Latin were taught by fiery-tempered John MacFarland, a powerful, athletic man of whom I stood in awe. Bookkeeping, one of my favorite subjects, was taught by fatherly Henry Bortner, who was also superintendent of schools. Mr. Bortner maintained perfect discipline in his classes with no visible effort whatever, since we all respected as well as loved him.

Outside of classes there was church, of course, and also parties and meetings of the Epworth League. Everyone took pains to be kind to the boy away from home. Among the girls, I worshipped two. One was Pauline Current, an adorable young woman and an accomplished pianist who lived in the town's finest home. The other was Flossie Mills, a real beauty. I was one of their group in church and social events, but the competition was too stiff for this country boy and I never found a chance to declare my devotion.

When it came time to return home and work with my father and Joe on the farm for the summer, I was reluctant to go.

Two more years sped by in this fashion. Then my life took another major turning during the summer before my senior year of high school.

That year, 1908, was already marked as a momentous one in the Uphaus family. Grandfather's death had been followed by a long period of stringent austerity while we scrimped to buy out the other heirs in order to keep the farm. Then saving for the badly needed new house, plus the two dollars a week for my room and board, had taken every extra penny, but this spring at long last, work on the new house began. First the old clapboard house had to be moved so that the new house could stand on the exact same spot. It never occurred to us that our house could be anywhere else. Then the new foundations were laid. Sturdy oak timber cut in our own woods and sawed at Father's mill made the framework. Father was building the house himself, and building it to last. The workmen he needed to help him—sometimes two, sometimes four—lived with us at the old house during the week, adding to my mother's work load.

Then I came home for the summer to take my place in the family and the community again. Although I had been away so much, I was still very much a part of that tightly knit community. Each year the men worked together to bring in the hay and thresh the grain; each year the women cooked together for the threshers and for the church suppers. Each year we young people who had grown up together formed our small orchestra (I played cornet) to render hymns, marches and a few of the simpler classics at Sunday school and community gatherings. And each year we organized our all-day picnic on the Mississinewa River.

This summer of 1908 as usual we went in buggies to the chosen spot, although our hearts were heavy at the death of Carl Green, my only grade-school classmate and the leader and first violinist of our six-piece orchestra. The girls brought well-filled picnic baskets, the boys had lines, hooks and worms to fish for goggle-eyes and bullheads. And we hadn't forgotten to bring with us the long haying rope to make a giant swing. I was acknowledged the best climber in the group. At fruit-picking time, I would scramble out on the longest branches, daring them to break; more than once I had impressed my colleagues and distressed my parents by climbing to the top of an 80-foot gas-drilling derrick. So naturally it was my job to put up the rope for the giant swing this picnic day.

But something went wrong. When I was some 25 feet in the air, I lost my footing and fell end over end to crash on the hard, rough river bank. Somehow my terrified companions managed to get me home, almost unconscious from the pain. While my parents wept, two country doctors assessed the damage. Both my arms were broken at the wrist, and my right leg was splintered above the knee. The doctors worked for what seemed to me ages, setting the broken bones, then tied my leg and arms into splints and put me into a special bed that had been sent for hastily. A rope with pulley and weight was attached to my leg in the hope that traction would keep it the proper length.

I came out of the daze of pain to face seven weeks of a very hot summer on my back in that bed without once turning on my side. During those long weeks, my friends came to help me pass the time, to tell me funny stories and bring me presents. A friend from a neighboring farm was especially kind; she would comb my hair and spend hours talking about the little incidents of the community and trying to make me laugh. In all, I had more than 150 visitors during that seven weeks.

Not all of them came to tell me jokes, however. My disaster brought on religious discussions. Because of the expectation that I would become a minister like my grandfather, presiding elders visiting our home had often made a point of talking with me, taking me on walks away from the rest of the family to impress upon me the leading of the spirit. I had stubbornly resisted. I was not going to be a minister—I was going to be a railroader.

Now that I was chained to that bed, weighed down with the weight and pulley and with pain, many of the neighbors thought the Lord was speaking to me, and they lost no opportunity of pointing this out. What was the Lord saying? Both doctors indicated that they thought I would make a good doctor. A leading Methodist layman in Red Key offered me the chance of going into his lumber business. A well-to-do farmer who owned stock in a bank thought I had the makings of a banker (how little he knew!), and an undertaker friend suggested I go in with him. But most of them considered that I was being firmly pointed to the church.

With all these promptings and plenty of time to lie there and think about them, something happened to me. Perhaps I *had* been refusing to listen to the Spirit. To be resigned to God's will was as natural in that community as daily prayers; but what was God's will? Was my fall from the tree God's way of making me see? For the first time, my ambition to become a railroader was shaken. Yet I still did not want to become a minister; I did not feel the call. If God had spared me for a special purpose, as my friends and neighbors all seemed to feel, He had not yet made that purpose clear to me.

I was still puzzling over the problem in October when, battered in mind and body, I was able to go back to Red Key High School on crutches for my final year.

Although my leg continued to give me trouble, I gratified the township that had paid my tuition by being elected president of our class (now reduced to nine) and earning the right to deliver the valedictory address. Mr. Bortner edited my speech and coached me in delivery. I have that speech with me here in my jail cell as I write, with his corrections on it in red ink.

Rereading my valedictory words, I am astonished at the number of forces which even then were shaping worldwide disaster, for which we felt no concern. There was no mention of war in my speech, no hint of criticism of the social order, not a word about racial or religious discrimination. We had faith in God, moral living, honest work. These were the foundations we recognized; if we had these, and added neighborliness, we were on the road to success. We had no inkling of the complications that practice of these simple precepts can entail in any community larger or less homogeneous than ours. Our idealism was high, our lives had purpose. That purpose, as I told my audience, was to strive ever upward and onward. "Every human being," I said, "has a work to carry on within, duties to perform abroad, influences to exert which are peculiarly his, and which no conscience but his own can teach."

[CHAPTER THREE]

The course my life would finally take was decided that last year of high school. One evening Father, Mother and I were sitting around the gas heater, when the familiar subject of my future was brought up once again. Since I did not feel called to become a minister, they raised the question whether I should become a teacher; that was also a form of Christian service.

I had not even then entirely given up my dream of railroading—a powerful panting locomotive still seemed to me the most exciting thing in the world—but under the steadfast refusal of my parents to take the dream seriously it had at least faded. I did what they hoped I would do; I concurred in the decision to become a teacher.

With that decided, the next problem was how to manage the several hundred dollars a year for my training. We were now living in the new house, but there was not enough money left to build the new barn that was urgently needed. As they talked over the problem, a way out appeared. Perhaps I could now pass the examination for a teaching license, teach in a school near home for six months of the winter and go to school myself during the summer months until I could qualify as a full-fledged teacher. Thus I could earn my way as I went along. Reluctantly I agreed, abandoning my railroad with a final pang.

I passed the qualifying examination on the second try, and with Emmanuel Zimmerman's promise of District School No.

5, only a few miles from the farm, for that fall, I set off in June for the summer session at Earlham College, forty miles away.

Forty miles was, of course, a tremendous distance to me then, but the physical distance was only the beginning. Earlham, a Quaker college, strongly influenced all the remainder of my life. I lived in a campus dormitory with my classmates and some of my professors. In the classroom, the library and the chapel, and in the dining room and on the croquet court as well, the men on the Earlham faculty molded my mind and my heart, calling forth feelings and powers from me that I didn't know were there. I was introduced to the rewards of a quiet time—to listen, not to speak—and I responded eagerly to the Friends' concept of the Inner Light, the little part of God that is in every man.

One of those remarkable Earlham men was Dr. Walter Jessup, a portly, dynamic person whose aggressive brilliance later made him so effective as head of the Carnegie Foundation. When Dr. Jessup lectured, he held me spellbound but uneasy, since I never knew when one of his barbed verbal shafts might come my way. My awe and uneasiness both disappeared, however, when, as often as not in the late afternoon, he would lean out of his upstairs window and roar, "Uphaus! What about a game of croquet?"

Equally effective, but in a gentle, quiet-spoken fashion, was Professor William Trueblood. When this kindly embodiment of the Quaker philosophy stood before a class, it seemed to us that God himself had entered the room. He managed to turn a course in advanced grammar into a study of the meaning of life, ethics, religion and even sociology. Over and over he stressed the high function of speech. One of the blighting dishonesties, he insisted, is the use of language to cover up and deceive.

Professor Trueblood taught me to use a thesaurus and to appreciate the English language as a fine tool for conveying shades of meaning. I am not a skilled writer, but what skill I have is largely due to him. My admiration for Professor

Trueblood turned to near-adoration when he invited me to help him with the haying on his small farm. A gentle scholar who could also do a day's work in the field with his hands—that was a *man*!

With these examples before me I grew enthusiastic about the profession I had so unwillingly adopted. The thought of working with children began to engage my enthusiasm. I saw that it would be a challenge to learn to know my pupils and try to help their minds develop.

But as the day drew near when I would actually confront a roomful of youngsters, my confidence drained away. Why, oh why, had I ever thought of becoming a teacher? What could I say to those children? How on earth was I to control them? I was eighteen years old.

Inexorably the day approached. Not even the Sunday afternoon baseball game I usually looked forward to eagerly could ease the tightening in my stomach. I went to bed that evening, but couldn't sleep. Over and over, dismaying scenes formed themselves in my weary mind. All night I rehearsed opening speeches before an imaginary room, a huge room filled with children all studiously ignoring my pitiful efforts to communicate with them. As morning came, I knelt haggard by my bed to pray for God's help.

I harnessed Charley, my handsome long-limbed sorrel, and set off on the five-mile trip to school. Charley whisked me over the gravel road in no time at all, it seemed. The first thing my numbed eyes saw as I neared the school building was one tiny youngster perched on the gate for the first look at the new teacher. Charles Wood was his name, he told me, and his friendly smile as he put his small trusting hand into mine kept me from turning tail and running. The worst was over.

I rang the bell to summon my school. The pupils marched solemnly in and sat themselves down at the desks without a murmur. With surprise I noted that there were only thirty-eight of them, not the hundreds of my fevered imagination. The room was just a room; it would have been as familiar as home to me had I been seated at one of the battered student desks—it was strange only because I was now behind the large teacher's desk. With a sigh of relief I started writing assignments on the blackboard for the older children. By the end of the day I was wondering why I had ever been so upset.

Crowding all the subjects for all the grades into the day meant dividing the day into short ten- or twenty-minute periods. The fine theories of education I had learned at Earlham seemed remote from this busy room, and I quickly devised some methods of my own, particularly when it came to coping with the seven wriggling boys of the second grade. The methods seemed to work. The gratification I felt at the children's progress in their studies was supplemented by love as we came to know each other. At noon and during recess we played the old country games—black man, duck-on-a-rock, dare-base and many others. On stormy evenings, when the Mississinewa threw a tantrum so I couldn't cross it, I was invited to their homes to spend the night. On my birthday that November the children brought me gifts, and I in turn gave the boys the pleasure of up-ending me and ducking my head in a bucket of water in the traditional way.

The problem of discipline which I had so dreaded seemed to solve itself. Only once during the entire year did I have to resort to paddling, and that was to control the exuberance of one of my second-graders. I was young enough to take pleasure in my unquestioned status as an adult in the schoolroom. The next summer, however, I felt I had truly come of age when I was able to lend my father $200 for the new barn.

That next summer Lee Driver, still county superintendent, succeeded in his determination to have a consolidated school, including a high school, in our township. The building was ready for service when I returned from my second summer at Earlham. That winter I taught English in the brand new high school. This was a historic event, not only for me, but for education itself, for that new consolidated rural school was the first of its kind in the country.

I found I was even happier working with older boys and girls, especially when the work led me into my first serious study of the New England writers and, through them, to a better understanding of our American heritage. The Transcendentalists made a deep impression on me. I studied as well as taught the essays of Ralph Waldo Emerson. "Society everywhere is in conspiracy against the manhood of every one of its members. Society is a joint stock company in which the members agree, for the better securing of his bread to each shareholder, to surrender the liberty and culture of the eater. . . ." These words from Emerson's *Self-Reliance* took root and grew in my mind, as did a section of *The American Scholar*: "The one thing in the world of value is the active soul—the soul, free, sovereign, active. This every man is entitled to; this every man contains within him, although in almost all men obstructed. . . ."

Restudying Henry David Thoreau, particularly his essay on civil disobedience, I learned anew the great lesson of the Declaration of Independence, that authority must be resisted if its demands violate conscience.

By the end of my second teaching year I had saved enough money to pay for a full academic year at Earlham. Here at last was my opportunity for sustained study, and also a chance to become truly a part of the campus life. I plunged wholeheartedly into both classes and extracurricular activities, joining with fervor when the student body sang:

> Guarded well by elms and maples
> Shrined in every heart
> Our beloved Alma Mater
> Earlham, fair thou art.

With confidence in my ability to teach now solidly based on experience, I concentrated on broadening my own education. Courses in the meaning of history, the development of personality, physics, and the discipline of the laboratory opened new worlds to me. I was drawn, too, into discussion and debate concerning public affairs. I became a zealous member of the campus Christian Association, and through it began to relate my personal faith to the affairs of the world as I was beginning to understand them. Our group became part of the National Student Christian Movement, and thus part of the World Student Christian Federation.

The climax of my Association work came when I went with the Earlham delegation to the Mid-western Student Conference at Lake Geneva, Wisconsin, in 1912. It was my first experience of an international group. There I met Chinese and Indian students, made human, personal contact with the Orient. And there I heard John R. Mott, G. Sherwood Eddy, Robert E. Speer and Robert Wilder speak. These towering international-minded Christians, together with my delight in meeting students from other countries, led me out of my native isolationism and into the beginning of a concern for the whole world. "Above all nations—humanity," the huge banner that confronted us in the conference hall proclaimed, and the words took on personal significance. I couldn't, of course, know that this was only the first of many international conferences I would take part in during my life, nor that one such conference in particular would take me far down the road to prison.

Instead of finishing my undergraduate work at Earlham, I decided to transfer to Indiana University at Bloomington, where a wider range of courses in education was available. I chose for my major philosophy, whose name had spoken to me from the pages of the dictionary in my little red schoolhouse. Now my teachers unfolded systems of thought that began with the first recorded history. For the first time I became interested in the relation of fields of knowledge.

The Indiana campus was at that time effervescing with new ideas. John Dewey was roiling the waters; his book, *Democracy and Education*, was the most worn book in my library. Elaborate experiments to explore the processes of learning were devised and carried out. We were beginning to study the individual and at the same time to relate the individual to the sum total of the world—past, present and future.

Under the inspiring stimulus of Professor W. W. Black, we seized with delight on the concept that democracy is dynamic, that participation of the people is necessary to open up its unlimited possibilities. This participation had room for effort and discipline in any amount, but never for dictatorship. "Since a democratic society repudiates the principle of external authority," said Dewey, "it must find a substitute in voluntary disposition and interest . . . A democracy is more than a form of government; it is primarily a mode of associated living, of conjoint communicated experience." A democratic society must "allow for intellectual freedom and the play of diverse gifts and interests in its educational measures."

The 1914 war that was raging now in Europe added to the ferment.

These exciting concepts put a heavy strain on my religious faith as I had learned it on the farm. I began to realize that faith must be rewrought constantly on the anvil of experience, the eternal verities reassessed in the light of fresh discoveries and changing circumstances.

I still went home regularly, although not as frequently as before. To my mother I was still her boy, and whatever I thought or said was splendid whether she understood it or not. My father listened thoughtfully as I tried to explain the ideas that so fired my enthusiasm. He was proud of me and my record, but I'm sure he felt that I was carrying things rather too far.

When the United States entered the war in April, 1917, I was torn. I loved my country as much as any man, and I had admired President Wilson with all my heart. But the Christian concept of the brotherhood of man, made so real to me by my friendships with the students from other countries, together with the Quaker teachings of non-violence I had absorbed, troubled me greatly. If America needed me to help save the world for democracy, I wanted to volunteer at once, but could I offer to kill my fellow man somewhere on the other side of the world? The problem was solved for me.

The two country doctors in Randolph County had done their best for me when I broke my leg, but when I was able to discard my crutches I found that in spite of their efforts one leg had become shorter than the other. Although this caused me more or less constant discomfort and some awkwardness, I had adapted to it so completely that I hardly gave it a thought. The resulting lameness, however, disqualified me for military service. An urgent call that summer was for more food production. So instead of joining the army, I went home early to help on the farm, not even waiting to attend my own graduation.

Here I must confess to one of the sad failures of my life. During the years of teaching I fell in love with and won a girl who lived on a neighboring farm. When in 1918 I looked for work to help my country and found it in the Young Men's Christian Association at Indiana University, she refused to go with me. An only child, she had lived all her life in Randolph County and, try as she would, simply could not imagine any other existence.

For my part, I knew that despite my attachment to the land and the dear associations with good neighborhood friends, I must carry on with what now seemed a definite commitment. It was not true that "Sam's boy had become uppity," but it was true that my mind had expanded beyond the county lines, and I could not give up the interests that were beckoning in the world I had entered. The result was that when I went back to Bloomington, she stayed at home with her parents. For three years I hoped she would see her way clear to join me, but it wasn't possible for her, and in 1921, sadly, a divorce was the only solution.

As secretary of the Indiana University YMCA, I directed the Y activities for the Student Army Training Corps. Then came the influenza epidemic of 1918. As the plague raged through the Corps, the school hospital quickly filled, and soon the main floor of the Student Building was converted into a temporary hospital. I spent my days and nights caring for the sick and dying, the work demanding all I had of patriotism and service.

Before and after the epidemic I had ample scope to use what I had learned about education. I headed a cabinet of student leaders whose dedicated members served selflessly to stimulate religious thought and action on the campus. In the immediate postwar years we chose India as our field of international interest. We were just beginning to learn about a man there whose ideas, after circling the globe, were to be taken up some forty years later and put into practice in the United States by Reverend Martin Luther King, and used to open the way for the great change that is coming over America as I write. Gandhi was the man's name, and his mighty idea came in large part from our own Henry David Thoreau.

Each year we managed to send a sizable delegation to the international summer conference in Wisconsin. At one of these I met Dr. Harry F. Ward, whose friendship in later years, the work we did together, and his support now, have meant so much to me. I remember him as I first saw him—intently pointing not just with his finger but with his whole body and all the force of his strong personality, as he outlined in fire the economic wrongs that destroy men's lives, the demands of the Gospel that they be righted. Listening then, I could feel his power, but my own relatively sheltered life had not yet brought me into contact with the realities of which he spoke.

Racking me at that time were the many religious questions raised by students that I could not answer. The conflict between the beliefs we had been taught and the teachings of science and economics was daily growing more acute. When I was convinced that I would find no resolution of these conflicts on the Indiana campus, I knew I would have to seek further. I learned one day that Dean Charles R. Brown of the Yale Divinity School was to speak at Depauw University at nearby Greencastle, Indiana. I went to hear him and quickly concluded that Yale was where I wanted to take my questions. Dean Brown received me cordially and, after we had discussed my situation, assured me of scholarship aid.

My parents were surprised when they learned of my determination to go East for graduate study. Their pride in my diploma from the Red Key High School had been unalloyed. A year or two at Earlham was essential to the teaching career they had chosen for me, and they were happy that I had been able to go on and achieve a baccalaureate degree. But the final years at Indiana University had seemed to them the ultimate that could be desired in the way of formal education. And now I was proposing postgraduate work at Yale! They reminded me of my hot reply to Grandfather's teasing when I was five. "Willard, *er muss bald in die Schule gehen,*" he had said, and I answered, *"Ich gehe nie nicht in die Schule!"* Now it appeared that once started in school, I was never going to stop.

[CHAPTER FOUR]

Yale was a treasure house to me. On the one hand, it was a mighty stronghold of the old New England traditions I had absorbed so avidly from books while teaching high-school English. On the other hand, there were the scholars, advanced students, lecturers and preachers from all parts of the world. For the first time I was in continuing personal contact with friends from foreign countries and of non-Christian religions.

Campus life at Yale in 1921 was not what one thinks of as traditional college life, for many of the same reasons that affected campus atmosphere in the decade following World War II. Returning veterans brought hard-bought maturity into the classrooms. Revulsion from the years of futile slaughter inspired us all with a driving determination to make certain such things could never happen again. Our discussions in Dwight Hall were deep and intense.

The big room I shared with Edgar Ross in Taylor Hall soon became an auxiliary center for continuation of these discussions. There we would build our utopias and revolutions far into the night, and also get down to practical matters such as race relations on the campus.

Edgar Ross was a mainspring of my group, with his energy and practical ideas. It was Edgar who started a book business on the campus which did very well under his capable direction. Amiable Ralph Conrad, whose tall lanky figure contrasted sharply with Edgar's stocky build and my own slight proportions, was the third member of our triumvirate. The three of us were always together, working together to put across our ideas in the larger groups, lunching together at the Chinese lunchroom. We formed an effective team.

We studied theology as an empirical science, learning to test all religious concepts against our own experience. Courses in the Old and New Testaments taught how the Bible had been assembled from various sources. At first this knowledge distressed me. It was confusing to learn that the early development of Christianity had not been simple and clear, that Saint John himself, for instance, had not penned each word of the Fourth Gospel. Eventually, however, I came to understand that it was no sacrilege to study the sources of the Scriptures and use judgment in weighing the relative spiritual and ethical value of each portion. This acceptance, of course, enormously increased my sense of personal responsibility for moral judgments.

The Bible that my parents gave me when I was sixteen is still beside me in jail. It is marked up and worn from the hard usage it received when I was working on my doctor's dissertation at Yale. The dissertation treated of a controversy that was very much alive then: the relative merits of the old Uniform Sunday school lessons and the new graded lessons that were just being introduced.

Our little rural Sunday school in Indiana, of course, had used the old. All of us, adults and children, had the identical Bible texts for our lesson. The lesson might be based upon a simple parable told by Jesus, or on the problem of evil as Job wrestled with it. All parts of the Bible, all its passages, were equally sacred in the commonly held belief of its verbal inspiration. We children were often way beyond our depth. The situation was usually saved, though, by the dedication and moral quality of the teacher—more often than not, a farmer with no training at all in the principles of education. My father was such a teacher, and when that handsome six-footer stood before his class to expound the Scriptures I was proud of him. If there was a kernel of truth in the passage selected for the day's lesson, he found it.

Memories of the brave efforts of the Sunday school teachers in the Emmettsville church helped me with that doctoral dissertation. The old lessons had little regard for the understanding of children at their different levels of experience. Children had little opportunity to comprehend the long-time historical development back of the ethical and religious concepts being taught them, especially because of the way the lessons were likely to hop and skip at the end of a quarter or half-year period. All in all, the lessons were improperly arranged to provide the maximum value in Christian nurture. One wonders now how much this kind of approach to teaching the Bible is responsible for the failure of so many "brought up on it" to understand change and development in history.

I undertook this study of the International Uniform Sunday School Lesson System under the guidance of a young professor, Dr. Luther A. Weigle, who was rising to prominence in the field of religious education. To find out how the old lessons made use of materials, I had to read the Bible as never before: I went over the lessons and daily readings that had been used for a forty-six-year period—2,392 lessons and 14,352 readings. At the end I was able to say how much of the Bible was used, in what order, how much was missed, and how often certain parts were repeated.

The part of the dissertation that left the most abiding impression was that having to do with the development of prophecy in Old Testament times, starting from the primitive concepts and continuing through the eighth-century prophets to what were, to me, the noblest possible teachings on morality, righteousness and peace—teachings that Jesus inherited and fulfilled. Through this study of the religious ideas of the Old and New Testaments, my conviction deepened that the religious experience is two-way in effect; it includes man's ceaseless quest for God, and God's initiative in approaching man. More than ever, the Bible became for me a revelation of God working in history, a God who appeared at first to be the sole possession of a particular people and then came to belong to all humanity. It contained the account of a living religion that had to be translated into the social and political life of society.

There is no doubt that the serious work demanded by my dissertation deeply affected my thinking about the relation of ethical religion to social and world problems of a controversial nature. That I took the stand I did in New Hampshire some thirty years later had a relation to that study.

At the beginning of my third year at Yale I was elected president of the Divinity student body. The student cabinet that met with me each Wednesday took its responsibilities to the world, to the seminary and to the students, very seriously. The dean and some of the faculty members considered that we took these things *too* seriously. To them we seemed hypercritical. For one thing, we faced the question of pacifism squarely—we were done with war, as are people whose memories are fresh. Many of us even joined the pacifist movement. For another thing, we were not content with lip service to the brotherhood of man; we took it upon ourselves to force a change in the administration's policy toward Negro students. They were segregated in the tower rooms of Edwards and Taylor Halls in our quadrangle. Our cabinet led a protest, and succeeded in having this injustice corrected, but not without opposition.

The summer of 1924, the last before my student days were over, took me squarely into the middle of this problem of race relations. I went down that summer to Hampton Institute, a college for Negroes in Hampton, Virginia, to teach religious education at the summer session. The invitation was one of the providential calls that have guided me. This one helped me to fill a great gap in my experience, for until that third year at Yale I had had little acquaintance with any Negroes. I must have been four years old when I saw a Negro for the first time. It was on a trip to Muncie; I was kneeling on the seat of a trolley car taking in the sights. Suddenly I cried out in great astonishment, "Mamma, *da sind zwei schwartze Männer!*" I had often heard at family prayer that God made of one blood all races of men, and I can truthfully say that from that beginning, I have found people of color different and interesting, but I have never had any feeling that they were in any way inferior.

At Hampton Institute I had three large classes each morning, part of a program aimed at improving the work of the Sunday schools in the Negro churches. Since religious education was the field of my doctoral thesis, I was full of ideas evolved during my researches. My courses covered the organization and use of Biblical materials, the principles of teaching, the development of Christian character, and especially the application of religion to the many social and economic problems that cried out for solution. Although my classes included all ages, from youngsters to grandfathers and grandmothers, the outstanding trait shared by all of them was an eagerness to learn that showed especially in the friendly pressing for answers as they crowded close to me at the end of each hour. They also shared a deep religious feeling, made poignant by their unfulfilled aspirations.

At the end of each session my last day there, two students walked forward and led the class in singing, "God be with you till we meet again," and presented me with a gift from them all. A huge lump rose in my throat and tears streamed unashamed down my face.

During my third year at Yale, I formed the habit of dropping in to Woolsey Hall to listen to students—one particular student, really—practice on the superb pipe organ. I was enraptured by the music and the musician, and this led to another serious error in my life. That musician and I were married in 1925. Daughter of a minister, she had also been in training for religious leadership. There seemed to be the foundation of marital happiness, but after several years she left me. I must have been difficult to live with, for I was still unsettled—growing rapidly in different directions, and in addition my physical health was deteriorating. She, too, had her problems, with which I sympathized but could not help. Finally, in 1934, we were divorced. This parting caused more pain than one can describe in a brief paragraph. I was wholly unaware of the true happiness that still lay ahead with the one woman who was to love me and share in my trials and aspirations.

From 1925 until 1928 I taught religious education at the Nashville, Tennessee, YMCA graduate school and at the Vanderbilt School of Religion, in Nashville, Tennessee. These two schools had no organizational ties except to exchange professors. There were no Negro students in our classes in Nashville, nor at the summer sessions held in the Blue Ridge Mountains of North Carolina. We were at least daring enough to contact students at Fisk University and the Tennessee Agricultural and Industrial Institute, Negro schools that were also in Nashville, but I fear we spent more time theorizing about interracial brotherhood than practicing it.

In addition to my teaching I became Director of Religious Education at Hillsboro Presbyterian Church in the university community. I also spent many weekends on other college campuses of the South, speaking to student meetings and advising various groups about materials and methods of Christian education. My back was hurting me, but that was nothing new. I consulted several eminent physicians in the area at different times, hoping they could slow the steady drain on my energy caused by pain, but I gathered from their advice that they thought I was suffering from "just nerves." With such advice, I scolded myself roundly for not taking hold of my disabilities, and drove myself all the harder. I was continually taking more out of the bank of energy at that time than I was putting in.

In October, 1927, a letter came from old Dr. Schenk in Indiana, to tell me that my father's heart was failing and he hadn't much longer to live. I carried the news heavy in my heart, unable to imagine that tall, strapping man, always so full of vitality, as an invalid. When I went home for Christmas I took along a radio set for him. Father was much pleased with this gift and spent hours listening to the Christmas music broadcasts.

We were working out in the barn one morning during the holiday when he slumped over. I didn't want to believe it, but I knew that he was dead. The hundred steps from the barn to the house seemed the longest walk I had ever taken, weighed down as I was with my own anguish and the overriding thought that I would have to be the one to deliver this blow to my mother.

Neighbors came quickly. We found a door from the old house, and on it carried Father home. Then there was the brief service at home and a formal funeral service.

When it was all over we persuaded Mother to make her home in Muncie with her sister, my Aunt Kate, who was now a widow also. I think now that it was a mistake; we should have left her where she wanted to stay, in her own home on the farm.

Then there was the painful task of disposing of the many furnishings in the house and on the farm. I hope never again to have so difficult a job as was making up the lists of these familiar items so they could be sold, having the list printed, and posting copies at various points around the county. I felt sick and weak as I dragged myself around, unable to distinguish between the pain in my heart and the nagging pain in my left side and chest.

Once more in Nashville at the beginning of 1928, my heart remained heavy and physical strength ebbed away. My left side and chest were burning like fire. Once more I sought the most skillful doctors. They examined me, gave me numerous prescriptions, but not one of them took professional notice of my crooked back and uneven walk.

One day in February, while I was attending a conference in St. Louis, I collapsed—physically, mentally, emotionally. My father's death, my mother's grief and the strenuous work program I had been pushing, added to a severe spinal curvature that had been developing relentlessly over the years, combined to knock me out. The doctors could only prescribe complete rest. I managed to get my spent self to Mother and Aunt Kate's home in Muncie, and there I stayed for a year and a half, more dead than alive.

That long period of suffering and inactivity seemed a total loss at the time, but I can see now that it was an important part of my training. It gave me a new sense of the value of life, not only my own but of *all* life. I began to recognize the dangers of over-specialization and failure to seek understanding of the total life situation. At moments I had a strange sensation of leaving my body, that racked body with the burning chest and thumping heart. Is this what death is, I wondered?

Mother and Aunt Kate tended me devotedly through those months when I hovered between life and death, but still I did not mend. Early in 1929 I heard of Dr. William H. Hay, an unorthodox physician who had a sanatorium at East Aurora, not too far away. I managed to get to him in my car, stopping every few miles to rest. Without hope, I told him of my three years of mounting distress, and frankly confessed that my funds as well as my body were exhausted.

Dr. Hay had been a successful surgeon before he decided that proper nutrition could save most of his patients from the knife. When his heresies got him thrown out of the county medical society, his answer was to set up his sanatorium and practice health, not surgery. His entire equipment consisted of a stethoscope and a tongue depressor. He immediately diagnosed the source of all my physical difficulties—that curvature—put me to bed and began the process of mending my crippled body, telling me that we could talk about money when I was well. Nutrition, osteopathic treatments by other doctors, and a specially built shoe worked miracles for me. Incredibly, I was on my way to recovery within two weeks. By the fall of 1929 I was able to return to teaching.

The simple principles of healthful living learned from Dr. Hay have sustained me ever since. Even in my prison, where meals are intended only to keep one from starving, I am better able to retain my health and balance because of all the things I learned during that "lost" eighteen months. In 1928 I was all set to die. In 1960, here in jail, I am all set to live for many more years.

[CHAPTER FIVE]

That September of 1929 found me on the campus of Hastings College in Hastings, Nebraska, assigned to set up a new Department of Religion. Dr. French, the college's president, had come East to interview me for the post when the college received an endowment for the new department. My years of lecturing in the South had made me wary of the conservatism of denominational schools, and before accepting I had tried to make sure that Dr. French understood my liberal theological outlook. I even drew up a detailed plan and description of the courses I had in mind for the new department. Dr. French accepted the plan enthusiastically.

September and October passed quickly. I grew fond of the young people from Nebraska, Colorado and Wyoming who made up my classes. As my plans for an integrated approach to Christian thinking and living on the campus and in the community took shape, a number of the faculty members joined eagerly in the work. They were an exceptional lot. The physicist had had training in theology, the sociologist held a Bachelor of Divinity degree, and the economist an M.A. degree in religious education. The head of the Department of Music was trained in church history. What better combination to encourage integrated thinking and test ethical religion in practice? I lost my uneasiness in the knowledge that the work was good.

But the results became explosive. In November my program came up short against a stone wall raised by suspicion among the college trustees about my doctrinal reliability. The trouble stemmed from the fact that I defined religion in terms of dynamic personal and social living, whereas some of the influential people in Hastings mistrusted any deviation from rigidly prescribed dogma, insisting, for one thing, on belief in the actual verbal inspiration of the Scriptures.

Poor Dr. French was caught in the middle. He liked me personally and sympathized with my insistence on freedom for both myself and my students in the honest quest for truth. Patiently he tried again and again to reconcile the divergent positions. He would call me into his office, lay an open Bible on his crossed legs and draw me on, trying to lead me to common ground with the trustees. His questioning always ended at the Prologue of the Gospel according to St. John. He would ask pleadingly, "Now you believe in the deity of Jesus, don't you?" Much as I wanted to avoid trouble and get on with my work, I would have to answer that I believed in the *divinity* but not the *deity* of Jesus, that my faith centered on the religion of Jesus as it should be in our lives. I would try to explain what Jesus had come to mean to me as a revelation of God's love, mercy and justice, but that I simply could not pretend to subscribe to certain doctrines that seemed to me unreal. I could not throw away my years of questioning and study, my training in empirical theology, the firm faith that I had won for myself out of all those efforts. I agreed that one must live by faith, but it seemed very clear to me that faith must always be tested in experience.

One afternoon I was summoned to the president's office, and to my surprise found there the president, the vice president, the dean of men and dean of women, and the chairman of the trustees, a Hastings banker. One after the other they questioned me. I admired the vice president, who said firmly, "If I had had my way, Dr. Uphaus would never have been invited to the college in the first place." The banker listened quietly to the ensuing discussion, and when it became his turn to question me, he smiled in a friendly manner and said, "I find no fault with this man."

The damage to my future on this campus had been done. The faculty and student body were divided. Emotions ran high. It was clear that my plans to offer a general seminar on religion and contemporary life would never be allowed in practice. Although quite common now, such courses were new in those days, and Hastings College was not the place for that kind of pioneering. I could have stayed there at least through that academic year, but the prospect was too discouraging. The newspaper headlines and the divided feeling about what I was trying to do had made it impossible for me to hope for any real headway in the work I had undertaken. I was asked to resign, the resignation to take effect at the end of the academic year. At the end of the year, six members of the faculty who had worked with me also resigned. None of us could see much future where Fundamentalist dogma was so firmly entrenched.

Providentially my resignation coincided with an offer from New Haven. Dr. Hugh Hartshorne needed assistance in writing a book for a series on standards and trends in religious education, and I was offered the job. What could be better than to return to Yale?

The year with Dr. Hartshorne was one of the most rewarding years of my academic life. I found the research and work on the book absorbing, but even more important to me was the friendship that grew up with Dr. Hartshorne. His warm heart and kindly understanding helped me to rebuild my confidence, shaken as I was by the vivid memory of the failure of my health and the more recent failure of my hopes at Hastings.

The work also led me back into the classroom, for the next year Dr. Clarence Shedd asked me to take his classes while he spent the year abroad. So I found myself once again at the head of a class, this time a class of keenly intelligent graduate students in religion in one of the finest universities in the world. The course dealt with the philosophy of higher education, and the preparation of teachers and religious leaders in the colleges and universities.

The satisfactions of those two years of accomplishment at Yale made it easy for me to put out of my mind the disappointment I had felt when my plans for the new department at Hastings came to such a dismal end; the memory receded, to be revived only when, thirty years later, the charge that I had been "dismissed" from Hastings College, a religious school, was dragged in, out of context, for the purpose of discrediting me before the people of New Hampshire.

At the beginning of 1934 I was one of the Depression's unemployed, along with some 14 million others. I was experiencing the feeling that being jobless puts into the stomach, a feeling that formed a bond between me and men beaten to the wall by the cruel economic forces that were sweeping over us and dragging us under. I was spared the worst suffering by the fact that no one else depended on me for life's necessities, but I was anxiously looking for something I could do to support myself and make my contribution.

One spring day in 1934 I visited Dr. Jerome Davis, a Congregational minister and professor of social ethics at the Yale Divinity School. I was fascinated by the energy and sympathy behind the intellectual force this tall, lean man was bringing to bear on the problems that were so very real to me.

We talked of the vigorous new President, Franklin Roosevelt, and speculated on the prospects of the New Deal measures he was urging on the country. Dr. Davis was intensely interested in labor's organizational efforts, his interest dating back to the struggle against a twelve-hour day and a six-day week. As a professor, he was active in the American Federation of Teachers and had been its president for three years. During the past two years he had been working hard on his latest undertaking, the Religion and Labor Foundation.

The Religion and Labor Foundation was a medium for bringing representatives of religion and labor together to plan and act in an effort to meet the needs of the millions of unemployed during that time of political and social upheaval. Associated with him in the work were such men as Bishop

Francis J. McConnell of the Methodist Church, Rabbi Stephen S. Wise of the Free Synagogue, and Dr. John Haynes Holmes of the New York Community Church; A. Philip Randolph of the Brotherhood of Sleeping Car Porters; Dr. John A. Lapp, the eminent Chicago Roman Catholic sociologist; Baltimore's Rabbi Edward L. Israel, and others.

After we had talked for an hour or more, Dr. Davis leaned back in his chair and fired a question at me: "Willard, how would you like to be executive secretary of the Foundation?"

He read the answer in my face, but before I could say yes, misgivings overtook me. In what way was I qualified for the job? I knew how to labor all right, having grown up on a farm, but I knew nothing, almost literally nothing, about the labor movement. Although I grew up in Indiana, all I knew of a man called Eugene Debs was his name and the fact that he lived over in Terre Haute; I'd never realized that he was one of the most loved and honored human beings this country ever produced, nor did I take serious note of the fact that when he was in prison in 1920, a million people had voted for him to be President of the United States.

Although I had been a pacifist after World War I, and a liberal ever since, it wasn't until the Depression overtook me that I had begun to sense the inherent economic and moral weaknesses in our system. Only then had I begun to realize that, to be effective, the pacifist must not only practice nonviolence but must also work for a different kind of society, a society based on the Christian ethic in which war would be unthinkable. I had understood only in the vaguest terms that there was some connection between the world I wanted and the efforts of labor to organize itself.

It is the embarrassing truth that I did not meet or talk with a labor representative during all my high school, college and university days. During the three years that I was secretary of the student YMCA, not one labor representative was invited to speak at a meeting, nor do I remember a labor speaker at the annual student conferences in Wisconsin. We all knew it was our Christian duty to do what we could to alleviate the sufferings of the poor. I was eager enough then to help rescue those floundering in the rapids of economic disaster in whatever way I could, but it had not occurred to me to go upstream to find out what was throwing them in.

My first contact with organized labor came in 1924 when I was thirty-four years old. I was preparing my doctoral thesis on the Bible, spending my days on Isaiah, Jeremiah, Amos and Jesus. One afternoon, for a reason I have forgotten, I sought out Alex Driessens, a veteran cigar-maker. I found him alone in a room at the Labor Temple in New Haven. We sat at a table where the rays of the late afternoon sun straggled through the grimy windows picking out the rugged features, the transparent honesty and the worry engraved on his serious Dutch face.

While we were talking, I smelled for the first time the characteristic odor of stale tobacco and sweat that haunts all union rooms, the smell I was to meet so many times during the coming years. Church kitchens, too, have their identifying odor, and Pullman cars and jails, but that particular smell spells to me the combination of religion and labor.

Alex Driessens' pride in his craft was inherited. His father and grandfather in Holland had been cigar-makers, and he was president of the cigar-makers' local. His main worry at that time was the effect of cigar-making machinery on morale in his craft. He knew the machine would never make a fine cigar, but more urgently he dreaded the dislocations and sufferings the machine would cause as it replaced the craftsmen.

Alex had been born into the tradition of socialism and unionism as I had been born into the church. After our communication that afternoon I was driven to believe that this man, who was outside the church, was identified with man's struggle for a better life as I had never been. For all my years of teaching and service, I had only recently joined the Yale local of the American Federation of Teachers, and as a delegate from the local to the Central Labor Council of New

Haven, had begun to consider the relation of the teaching profession to the working man's struggle.

Today when I see professing Christians, glib with Bible verses and prayer books but *doing* nothing, I literally want to shake them into reality. But then I think of myself in those early years, and I remind myself of how far even today my accomplishments fall behind my ideals of how to combat ignorance, poverty, oppression and war.

Dr. Davis brought me back to his question about the Religion and Labor Foundation. He brushed aside my feelings of inadequacy. He knew me well enough to know that I shared his demand for justice and human decency for the millions of dislocated and jobless people caught in the breakdown of our economic system. He put it to me as a challenge. Not many men, even under Depression conditions, were willing to tackle so hazardous an undertaking, pioneering in a new field with very little money or backing of any kind. Two other men had tried and had to give it up. Was I going to let him down without even a try? So Dr. Davis and I came to an agreement.

My new headquarters, the office of the Religion and Labor Foundation, was a tiny room (rent-free) at the top of two backstair flights in the Jewish Community Center building in New Haven. I smile to think that that office was about the same size as my jail cell—not much progress by the world's standards! But happily I had already learned that influence has little relation to the size of the headquarters. I can appreciate splendid institutions and houses of worship, but I knew even then that ministers and laymen indebted to the bankers for lavish buildings are far less of a threat to the status quo than the early Christians hiding out in caves.

I didn't realize that there in Dr. Davis's office that afternoon I was saying goodbye forever to the classroom, taking an irrevocable turn on the road to the Boscawen jail.

[CHAPTER SIX]

My first assignment as executive secretary of the Religion and Labor Foundation was made to order for my initiation. Reverend Claude C. Williams was about to be dismissed from his pulpit in the Presbyterian Church at Paris, Arkansas, ostensibly on the grounds that he had questioned the doctrines of predestination, the virgin birth, and not the divinity but the deity of Jesus. I was to spend the summer in Arkansas, report the facts, and recommend action to the Foundation.

It was late on a blistering afternoon in July, 1934, when I drove up to the curb in front of the Presbyterian manse in Paris. The manse was a four-room frame cottage behind a spacious lawn in a town of some 3,500 population, a county seat in the mining and agricultural area of the Ozark Mountains foothills.

I found Claude Williams, a tall man in his forties, on the back porch standing on an ice cream freezer while a husky miner turned the handle. Preacher Williams stepped down to greet me, the lazy grace of his movements belied by his piercing black eyes set in a face that was darkly ruddy from a quarter-strain of Indian blood and from exposure to the Arkansas sun. Williams introduced the miner, Bob Goodwin, who shook hands briefly and went back to cranking the freezer.

Trying not to be influenced by the liking and sympathy I immediately felt for the preacher, I began at once to question him.

Williams had come to Arkansas four years before and had found a congregation of about a hundred members meeting in an old schoolhouse that had been consecrated to serve as a church. He had set to work with faith and energy to expand the church, to bring it into the lives of more of the people in this long-stricken part of the country. As the weight of the Depression was added to the area's chronic economic difficulties, Williams concentrated more and more on the miners, the sharecroppers, and particularly the young people—Negro and white—who were taking the brunt. It quickly became clear to me that his real crime had been enlarging his church to include a new kind of member, a kind unwelcome to the "old stagers" who had founded the church and felt a jealous proprietary interest in it.

Bob Goodwin looked up at one point from his stolid turning of the freezer handle. "The preacher has been the life of this church," he said huskily. "He resurrected it. If he goes, the people will go. If he stays, an abundance of people will come in. He represents Christ and Him alive in our midst."

The old stagers included the editor of the local newspaper, the owner of the corner store, a real estate agent, a retired colonel of the Army, the woman who owned the big house on the hill and a nearby 1,200-acre plantation, and others like them. Their wrath at the changes Williams was working in "their" church smouldered for some time and then burst forth at a congregational meeting called by Williams in April of 1934 for the election of elders. The old stagers had managed to retain control of the church by refusing to increase the size of the Board of Elders to correspond with the increase and change in membership, and by neglecting to replace elders who died. At the April meeting the new members turned out in force to exercise their voting rights. A board was elected consisting of two young students for the ministry, a woman, and three miners. The old stagers retaliated by petitioning the Presbytery at Fort Smith to dissolve the pastoral relation, adding the charges that Williams had been derelict in his duty, that he had approved of communism, and that he had preached heretical doctrine. Fourteen members of the congregation had signed the petition.

As the story came out I could sense what had happened. Given the character of the old stagers and the composition of the community, the course of the difficulties that followed Williams's arrival was easy to trace. Williams was a man dedicated to the cause of the underprivileged. During a long strike of the miners he had traveled hundreds of miles helping the men to organize, addressing their meetings, bolstering their self-confidence. This was at a time when unions were weak and unpopular, when all workers, not just the miners, were at the mercy of employers who, in turn, had few jobs to give out and in most cases were hard-pressed themselves. They regarded the efforts of the miners to protect themselves as treasonable folly.

The New Deal was then only a campaign promise. The Wage and Hour Law, the Social Security Act and all the other remedial measures of that period had not yet been written, much less tested and put into practice. It took brave men and brave preachers to work at organizing then.

The miners in that area relied heavily on Williams to interpret current events, and his interpretations must have sounded alien and threatening to many. It was not strange that the people who represented the established order resented him, bewildered as they were by the failure of the "natural course of events" to correct the steadily worsening situation. They were not, however, buffeted or bewildered enough to welcome new solutions. The really strange thing was that they had called Preacher Williams in the first place.

We were interrupted by the noisy arrival of Williams's two little girls, who romped in from the yard demanding to know if the ice cream was ready. A third youngster, not yet old enough to walk but vociferously old enough to recognize the promise of the freezer, crawled out of the house followed by their mother, Joyce Williams, bearing plates and spoons. The children were all too joyously young to be impressed by the prospect of eviction from this comfortable house; they *were* impressed by ice cream.

By the time we had scraped our plates the preacher's friends began to arrive in ones and twos, summoned by the grapevine. The word was that someone from an organization 'way off in the East had come to the preacher's house to learn what was going on, and they hurried in on foot, in wagons and in battered Fords to make sure I got the story. Until far into the night my pencil raced to keep up with their eager words, to record the struggle, the bitterness, the flashes of humor, and the quaint Elizabethan phrases that lingered in those hills. I have these notes with me now in my cell to help me write about it in their words, but how can I put on paper the faces lined with coal dust so desperately anxious that I should understand the way it was, the backs stooped from years of wielding a pick in a 30-inch vein of coal, the rough, bent hands of women who had toiled their way to age before they had fairly tasted youth?

Harry Tuggle, squatting in one corner of the now crowded room, spoke of how their preacher had led the strike for fair wages and safe working conditions in the mines, and organized the biggest demonstration ever seen in Arkansas. "I saw the preacher's attitude, his fairness," Harry said. "He preached the religion *of* Jesus, not the religion *about* Jesus. He created an awful interest among the workers. I gave time to the church. We were all working to build up the town and society, and we were beginning to see the fruits of it, until the trouble came up." He beamed on Williams, whose every word had become law and gospel to him.

Then there was Lulu Brown, a Negro sharecropper. "Yes, sir," she said, "Brother Williams told me you was comin'. We like Brother Williams. I've been to his home before, and I've set at his table, and he don't make me come in his back door."

Mrs. Brown had trudged four miles from "the Bottom" to tell me about Brother Williams. "The Bottom" was the rich bottom land along the Arkansas River where, in spite of the great fertility of the soil, the Negroes and poor whites who worked it were living under unspeakable conditions. One of Williams's sins had been to denounce the cruelties of the sharecropper system from the pulpit and the courthouse steps, heedless of the elders' warnings to "preach about Jesus and Him crucified, but stay away from no 'count niggers and cantankerous miners."

Among those who called that night was Howard Lee, preparing for the ministry at the College of the Ozarks, who said, "It wasn't until Brother Williams came here that God, Jesus and Christianity became meaningful to me."

They all spoke, too, of the new church building they had started according to plans drawn up without charge by the best architect in the community. Material and labor had been volunteered for construction without stint. Eleven miners' locals had proposed a dollar-per-man contribution, and of the 5,200 men represented only one had voted no. The new building was described as a Labor Temple. It was to have a beautiful chapel, and with it, meeting rooms, recreational and social facilities. There are a few such centers in the country now, but the idea then was new and shining.

"I contributed ten dollars to the Labor Temple the preacher here was building," said Scotty Stinhouse. "Us laborers and the young people had been educated by him in the spirit of Christianity, and we worked on it free of charge. So long as we were willing to work that way the elders encouraged us. But after awhile we saw that we were being taxed without being represented, as you might say, so we arranged a meeting to elect more elders, the idea being to get some of our own on the Board. That was when the fat got in the fire!"

Rereading the prospectus for the Labor Temple, I find it revolutionary, even today. The stated purpose was to "proclaim the Kingdom of God and to apply the teachings of Jesus to all phases of life; to demonstrate that the creative impulse is greater than the acquisitive instinct, that cooperation is superior to competition, and that the desire to be useful and original is a stronger incentive than the profit motive; to guarantee the rights of freedom of speech and assembly provided by the Constitution to all, from the most radical to the most conservative; to agitate for the redistribution of wealth through taxation, compensation and insurance; to proclaim the dignity of labor and the creation of the life abundant for all without regard to race, color, caste, sex or creed."

All that in 1934 in the state where a quarter of a century later Federal troops were needed to control a race riot! Small wonder that the fat got in the fire. Small wonder that the miners and sharecroppers almost worshipped "the preacher" who was giving all he had in time, money, energy and daring to help them fight their battles, to answer their calls for help, to lead them in building for themselves a center where their spiritual and social needs could seek fulfillment. Small wonder, too, the old stagers felt that their world was being taken from them, that Preacher Williams was sowing a wind that must be stopped before the whirlwind should sweep them away.

The hour grew late. One by one the preacher's guests extended a hand of farewell and departed. The children had long since gone to sleep. Quiet settled over the small frame house. I felt limp, as if I had sat through a deeply moving drama, almost as though I had seen Christ return, not in the body, but in the wistful faces, the unfulfilled longings of the people who had crowded the room. Then Claude took Joyce by the hand and said, "Come outside with us, we want to show you something."

Cool mountain air had replaced the torrid afternoon haze. A full moon shone and in its light I saw the ruins of a shattered dream, the foundation for a temple that would never be completed. We sat for a long time on a pile of boulders on the site, almost in the shadow of a great cross. Even in that light one could read emblazoned across the top of the framework: FOR GOD SO LOVED THE WORLD. . .

More than 400 man-hours of labor for love and thousands of dollars worth of donated material were represented in the trenches, foundations and skeletons that was destined for ruin. Williams himself had gladly poured his savings, his salary and the sweat of his brow into it along with the others. Who, I wondered, were the people who saw in the dream a threat and an affront? Who had wanted to put a halt to such a project? I soon found out.

Next morning I set out to find the five old stagers who had organized the opposition. I tried hard to maintain an impartial attitude, but it was difficult after my experience of the evening before, and it was even harder when I found the five. If I hadn't seen and heard them myself, I would be tempted to think that they were caricatures, type-cast for villains in some morality play.

First was the real estate agent. It took only a few minutes for his hatred of those he considered social outcasts to become plain. Perhaps he hadn't always been this way, perhaps he had started with no more than a smug sense of superiority during his youth and early manhood. But then his daughter had grown up, fallen in love with, and married a miner. This had rocked him to his shaky foundations. *His* daughter! A *miner!* With what could he bolster his sense of status if a miner's children had the right to call him "Grandpa"? From that day on, hate had poisoned him.

Next I called on the mistress of the big house on the hill, whose plantation included the rich bottom land where Lulu lived. I found her an unhappy woman. She questioned me suspiciously about my theology and talked of Christ's death on the cross, but refused to discuss the daily crucifixions of life in the cabins and shacks on her land along the river. No doubt it would be all right, she supposed, to associate with "niggers" when we all get to heaven, but until then it could only cause trouble.

Next I sought out the retired Army officer, so patriotic that he had painted his house red, white and blue. He was a passionate man who believed that Preacher Williams was, as he described it, undermining sound Americanism with his wild ideas. Finding that this officer taught his Sunday school class that "niggers don't have souls," there was little that we could say to each other.

The owner of the corner store escorted me to a very private corner of the back room, where he confided that Preacher Williams smoked cigarettes, drank beer with the miners, and generally kept company with very rough people. He topped these revelations with what he considered the conclusively damning indictment: Preacher Williams did not believe in the literal inspiration of the Scriptures!

I had saved the newspaper editor for last, expecting I would hear from him a rational summing up of the reasons for the petition to oust Williams. I found him a well-meaning little man, but unable to see any issues beyond his own personal interests. He himself was a poor man, he told me, still waiting for his "break." Why should he jeopardize his chances by associating with an inferior race, or tolerating socialistic ideas?

Preacher Williams was deposed, despite appeals to higher judicial bodies of the denomination. But his opponents did not know that they were making a national figure out of their despised minister. I reported the results of my investigation of his work among miners and sharecroppers to the RLF Executive Board and recommended that Williams be made the Southern secretary of our organization. In this capacity he traveled, spoke and organized for us. One of his significant creations was the New Era Schools set up in Little Rock. Workers came to a modest residence that combined home, office and classrooms for inspiration and instruction in the elements of economics and trade union principles and methods. Thus the prophetic ferment of the message of justice and righteousness to the poor once more burst through outmoded religious formalism to a new life and vitality. With righteous indignation, the preacher thundered against racists and oppressors; with compassion he ministered to the poor and unemployed, counseling them that in standing alone they were helpless, but in uniting their efforts they were strong.

With what dogged determination does history repeat itself.

Amos' sermons on social justice were hated and feared, and he was advised to leave Israel and go to Judah to preach. Any place but here! Jeremiah, according to tradition, was thrown into a well. Jesus condemned the callous treatment of the poor and challenged the corrupt religious and economic practices of his time. He went to the cross. The early Christians outraged those in high places, and were charged with turning the world upside down. When some were brought before the council to be tried, it was Gamaliel, a Pharisee and a doctor of the law who, knowing what he was seeing, warned the accusers:

> So in the present case I tell you, keep away from these men and let them alone; for if this plan or this undertaking is of men, it will fail; but if it is of God you will not be able to overthrow them. You might even be found opposing God. (Acts 5 : 38)

The tragedy is that the persecution of the prophets is so often at the hands of those who profess to love God.

[CHAPTER SEVEN]

I was so engrossed in writing my report for the Religion and Labor Foundation on the Williams situation that I thought it didn't matter where I went to write it. As it turned out, though, where I went was one of the most important choices in my life.

It was a YMCA camp in the Ozarks on Petit Jean Mountain. When I got there I found that the Epworth League of The Methodist Church was holding a youth conference during that August of 1934, and members of the Epworth League were everywhere. The camp manager kindly arranged for me to have a room in his lodge away from the activities, and gave me a table under a shade tree where I could work out of doors. I started in energetically, undistracted by the young people talking and laughing as they went from meeting to swim to study period. Our schedules coincided only at mealtime.

On the second evening at dinner I was staring into space, with my mind on the plantations and mines I had seen, when suddenly I realized that my eyes were resting inattentively on a lovely woman. I brought my gaze into focus and saw a face of such beauty and tenderness, framed in softly waving dark hair, that never again could I forget it.

I tried to pull my attention back to my report, but it was useless. I could only wonder who she was. I longed to hear what she was saying. I wanted to learn the exact color of those luminous eyes. As soon as the meal was over I hurried back to my lodgings and forced myself to work a little more on the report—this was no time for mooning about an unknown woman, however entrancing she might appear. There was no slightest reason to imagine that she would have any interest whatever in a forty-three-year-old man with my unfortunate history.

Next morning I started to work as usual at my post under the shade tree, but the work did not go as usual. I tried not to see the groups passing back and forth across the grounds, but I found that the instant a group included *her,* I became aware of her and of nothing else.

I discovered that she was Ola Hawkins Dudley, a missionary to Western China, home on furlough and lecturing at the conference. I discovered that she had the most tantalizing voice I had ever heard, musical in its own right and softened by the remnants of a Southern accent. I discovered that there were flecks of green in her hazel eyes, and that when she laughed my heart lifted. But I hadn't met her.

In the dining room on the last night of the conference, I was introduced and invited to join her at the table where she sat with her sister Grace, and her sister's small children. When Grace left to put the children to bed, we sat on. The tables were cleared and set for next day's breakfast, the last people left the big room, but still we sat there talking in the gathering darkness.

Ola talked readily of herself and her family. She was born at Point Cedar, Arkansas. When she was twelve, her father, a country doctor, realized that he was dying of cancer and moved the family from Point Cedar, where there was only a grade school for six months of the year (three in summer, three in winter), to Amity. Amity had six months of "free" school each year and three months of "pay" school, as well as a high school. There her father died, leaving her mother with five children and a near-obsession for educating them. Ola was the eldest, and consequently shared much of the responsibility for the other youngsters. College was made possible for Ola by the help of William Curtis Hays, superintendent of the Methodist Sunday school she attended, who later became her stepfather.

At the end of Ola's third year at Kansas Wesleyan University, she met and became engaged to Warren Spencer Dudley, the son of an Iowa minister, who was leaving for missionary work in China. While Warren studied Chinese in the language school at Chengtu in 1920-1921, Ola finished college, and in September, 1921, she sailed for China to join him at Chengtu. She was stopped at Kuling by fighting among the warlords, and while detained there wondered fearfully what was happening to Warren. Suddenly one day the war was over and she managed to join her bridegroom in Chungking, where he had come to meet her.

Instead of remaining in Chengtu at the West China Union University as they had expected, they were assigned to Chungking, where Warren served as principal of the oldest mission high school in the province. Ola taught classes and studied the language.

In March, 1925, tragedy overtook them. Ola's voice trembled as she told of how Warren, although feeling miserable, had taken the graduating class on an all-day trip on Thursday, gone to the mission hospital on Friday and died on Sunday. A streptococcus infection, for which there were no sulfa drugs then. Ola stayed on for a year, numbing her grief with the work they had chosen, then came back to America by way of South Asia and Europe to work and study in Washington, D. C. In 1928 she went back to Chungking, this time to teach in the girls' school there, and in Chungking University, which was supported by the Chinese government. For the next six years her work ranged from teaching kindergarten and primary classes in the school outside the city's walls, to training girls and women in the industrial school, to conducting English classes at the university. In between all these duties she kept the school accounts. Evenings she helped in the school for men and boys. Ola still cherishes the pair of pink satin pillow covers given her by those men and boys when she left for home in 1934.

The hour grew late, but this was the last evening and we couldn't bring ourselves to end it. As Ola spoke of the students she had taught, of their hunger for knowledge, their serious concern for their country and their demonstrations against foreign imperialism, of the workers impressed to labor without pay or adequate food to build houses like castles for the warlords and their concubines, I knew that here at last was the woman I had been seeking all my life. When she told of students in the Chungking classes sitting on the floor to protect their heads from bullets whizzing on the campus, I wanted to take her in my arms and protect her from even the memory.

Ola had seen Chiang Kai-shek come to power, had felt the significance of the New Life Movement, the spirit in which China's youth entered into the campaigns for standardized education and health, and the desperate struggle against illiteracy and imperialism. She talked of brave fellow missionaries giving their lives to bring enlightenment and Christianity to the Chinese people, men and women who had shared her rich experiences and become her lifelong friends.

I, too, talked of my life, and the quick response I saw in those green-flecked eyes made me hope that this last evening of the conference need not be the last we would spend together. We were two teachers in love with our work, but I was also a man head over heels in love with Ola.

Early next morning she left for Amity. I worked furiously on my report—to make up for lost time, and to finish it so I could follow her and see her once again. Before I went to Amity I carefully calculated the distance between my New Haven base and New York City. Then when I saw her in Amity, I managed to persuade her that the graduate work she wanted to do could best be done at Union Theological Seminary in New York. When she agreed, I went happily back to New Haven, determined that she should not go to China again if I could help it.

We had some marvelous weekends together in New York between January and May, but when the call came for her to go back to the Methodist girls' high school in Chengtu, I couldn't shake her determination to answer it. She promised to marry me, but she insisted that she must go. Her return to China would make it possible for a dear friend to have home leave; and, too, she intended to make sure that we had plenty of time to test our love, and with that I had to be content.

We had a few perfect days together in Arkansas before she left again for China. My growing respect for her wisdom and her sense of duty, added to the wholehearted love I had given her from the first, made it easier for me to let her go.

[CHAPTER EIGHT]

Back in New Haven, I plunged with renewed energy into the work of the Religion and Labor Foundation, inspired by Ola's selfless devotion in her field of service.

In those early days of the Roosevelt New Deal, we of the Foundation found ourselves occupying a sort of no-man's-land, caught in the convulsive clashes between the old order and the new. We were a prime target for ridicule and mistrust from both sides.

Among the clergy I was regarded as a trusted friend by those who were trying to do something, but as a pest by those who were frightened or thought it a mistake to try to interfere with the "natural" course of the Depression. Among the workers I found various reactions to our programs, as I did among trade union executives.

One of the mightiest labor leaders of the day was John L. Lewis. If our movement was to be truly Religion and Labor, it would have to include more than a handful of ministers and rabbis; it would have to win trade union leaders and the workers they represented.

I shall never forget my first meeting with Mr. Lewis. I smile now when I think how one who had come to speak with ease to students, teachers and churchmen almost trembled at approaching "the mighty" in the labor movement. It was a beautiful May day in Washington. I sat for a long time in the sun in a park across the street from the office building of the United Mine Workers of America. John L. had for years been a welcome subject for cartoonists and feature writers. For me they had made him into a fierce human being, who would have little time for a fearful person like myself, who had never lost any blood in a union fight. I remembered my "maiden" union speech in 1934, from the courthouse steps in Paris, Arkansas, at the time of my visit to Claude Williams. Some Arkansas and Oklahoma locals of the UMWA were rebelling then against what they thought at the time were the dictator tactics of the big man in Washington, and from my own survey of the situation I had taken their side and made a slashing attack on him. Had he ever heard about that? And if so, would he remember it against me?

I finally arose and walked slowly to the building. I was quaking.

Just about then I learned one of the first and most important lessons in public relations, and that was to be on the good side of the receptionist. On that day a very sweet young woman greeted me with a warm smile.

"I would like to make an appointment to see Mr. Lewis," I stammered, thinking that such a big and busy man might be able to see me, if at all, at some distant date.

"Wait a minute," she replied. In less than a minute she emerged from the inner office. Mr. Lewis would see me at once! At once! I didn't have my speech ready, but—a man with a receptionist like that couldn't be too bad, I thought.

The room was not too large. Mr. Lewis was standing behind his desk as I entered.

"Sit down," he said sharply. The words sounded like a growl, and I sank limply into a big leather chair behind me. But in a moment he was also seated. He hung his left leg over an arm of his huge chair and began to roll an unlighted cigar in his mouth. Kindly eyes peered out from under the bushy eyebrows.

I do not recall how I began my earnest appeal. In a moment I was relaxed, as though I had known Mr. Lewis for years. He listened as I tried to identify myself with a movement of a nationwide character, that would band together courageous ministers and militant labor leaders to combat poverty and unemployment and take up the fight for the emerging CIO in its struggle to organize workers in the mass-production industries. He asked an occasional question. I became eloquent over the common social and economic aims of ethical religion and the unions, and about the Religion and Labor Foundation, which was trying to translate religious pronouncements for social justice into a reality.

With an unmistakable sincerity Mr. Lewis responded, "It is a magnificent idea!"

This conference led to a permanent friendly relationship. The Miners contributed annually to the work of the Foundation, and one year the union underwrote our annual conference held in Cincinnati. The vice president came to address the conference, the publicity director attended to organize press relations, and proud union members flocked in from locals in Kentucky and West Virginia.

Unfortunately, all union executives did not agree with Mr. Lewis. I frequently found an opposite reaction: "Let the church go her way and we'll go ours." That attitude was exemplified by the aging president of Chicago's Federation of Labor. The old man listened to me quietly enough in his spacious office under the photographs of Samuel Gompers and other AFL dignitaries. When I had outlined the church-labor cooperation we were seeking to establish, he commented with just the trace of a smile, "Well, I think we'd each best play in our own backyard." There was no bitterness or hostility in his voice—just disinterest. The church had taken little interest and less part in the struggles of his great craft organization to reach prestige and power; why should he have confidence in it now? He wasn't anti-religious; it was simply that, in his world of conflict over hours, wages, working conditions, the church simply did not figure as an agency to rely on.

A different attitude was expressed by an organizer in Boston who had been brought up a Roman Catholic. After scouring the community in the winter for firewood as a child, after seeing his mother die of illness and exposure, after working in sweatshops for three dollars a week, he had taken part in the great textile strikes of the 1920s. Now he could not forget the indifference and even open hostility his church had shown toward the union cause then. When I reminded him of the interest the Roman Catholic Church was showing now, he replied, "They're climbing on the bandwagon now that they see which way the wind is blowing."

Then there were workers and organizers, especially in the South, to whom the union was God's business. They welcomed the Foundation and felt it only natural that the churches and the unions should work together.

There were also people like John Ramsay, a devout Christian and steel worker, who became public relations representative for the United Steel Workers of America and who can properly be described as a labor missionary to the churches; and those like Reverend Nelson H. Cruikshank, now director of social security activities on the top AFL-CIO staff, who went from the church to the union. There were also men like Reverend Orville C. Jones, who did yeoman work in interpreting industry, labor, agriculture and the churches to one another as responsible forces in a democratic society. Reverend Charles C. Webber, for a time on the faculty of Union Theological Seminary in New York and then Field Secretary for the Methodist Federation for Social Action, became an organizer for the Amalgamated Clothing Workers of America. In the end he became Religious Representative for the AFL-CIO. These and others like them represented the men and women who recognized the natural affiliation of the two movements for the achievement of common ideals, but they were all too few and the Foundation had hard going.

State and Federal agencies for dealing with disputes had not yet been developed, and there was no organization to bridge the widening gulf between the upsurging labor unions and the frightened middle classes. An important activity of the Religion and Labor Foundation was to set up councils in industrial cities. The councils were made up of representatives of the unions and the churches and synagogues to discover common ground for action in promoting social ends. We hoped ministers and rabbis would apply their social creeds to strike situations and would organize campaigns to further relief and facilitate arbitration.

I combed the social pronouncements of Protestantism, Judaism and Roman Catholicism for material showing the common ground in the different professions of respect for the dignity of the individual, the right to organize to improve conditions of work and income, and the basic place of labor in a democratic society. I drew up a chart setting side by side quotations from the literature of each of the great religious groups and quotes from the unions' stated objectives. The chart emphasized the fact that religion and labor were indeed dedicated to the same ends, and made it obvious that they should coordinate their efforts for greater effectiveness.

With these charts and other materials I went from city to city, including industrial centers in the South, to interview ministers and labor leaders and set up councils.

The profound economic and social changes in the South were already beginning to make themselves felt to a degree not yet realized in other sections of the country.

My circuit took me to the mines of West Virginia and eastern Kentucky, where work was almost at a standstill. I was in Bloody Harlan County when violence broke out between pickets and scabs, and I saw the state militia rushed in while some 200 pickets were clapped into jail. I watched two military tanks lumber in to "put the fear of God into 'em."

I saw, too, the shining example of what can be done. Leaving the civil strife, the unpainted shacks among the eroded hills, in just three hours of driving I found myself in a well-ordered community with comfortable electric-lit homes and adequate schools. Here was a center of productive farms, where electric washers had replaced the old black kettle, lakes teemed with fish, great parks provided recreation. Industry was moving in to supplement agriculture so that everyone who wanted to work could find it at any time of the year.

To me the Tennessee Valley Authority is the most brilliant achievement in our social and economic history. It proves that we can plan for the good of the people and the land within a democratic framework. This re-creation of hundreds of communities in a vast region, which so fascinates me, has fascinated multitudes of others, particularly those from the emergent countries concerned with harnessing their own resources to lift the people out of poverty.

I noticed there that when man works with nature for the sake of conservation and improvement of life, a natural unity develops. The once tumultuous river, if uncontrolled behind the dam, would soon wash down silt and rubbage to fill in and destroy the dam's usefulness. Floods and silting can only be stopped by building smaller dams higher up, by terracing gutted fields and planting trees. Where a dam is built to manufacture power and light, engineers, foresters and agriculturalists must then go to work to provide safeguards. The healing process snowballs. Growing timberlands and recovered land call for farmers of a different kind from those who eke out an existence with axe and hoe; the farmer on the rescued land soon learns to husband the soil and the animal life. When the first farmers terrace their land, plant and cultivate better varieties of grain, the neighbors looking over their fences and seeing richer crops and sleeker livestock soon begin to nod their heads and ask for information.

We have right here in the valley of the Tennessee River proof to all the world of what can be done when people stop thinking in a narrow way, when they look at the vast land as a whole and plan for the whole. Roosevelt was hated by many, particularly by the private power interests who cried "unfair competition" and thought they would be driven to the wall. Time has proved that private enterprise was not destroyed; on the contrary, the TVA made that low-income area power-consicous as it could never have been otherwise. New industry, new jobs there have made new wealth that nourishes private enterprise to undreamed of levels.

We heard a lot about the "dead hand of bureaucracy" that would blight the land where government played so big a part. What we found was not bureaucracy, not decrees, intimidation; the miracle was accomplished by persuasion and demonstration.

I found, too, that besides directing the effort for material gain, the Federal authority carried with it the moral authority to approach two problems far more touchy then than they are even today. The Department of Personnel worked quietly to improve labor and race relations. Since these are problems more easily dealt with in a rising economy, the efforts were remarkably effective.

The third leg of my seminar circuit brought me to Arkansas again, this time to an area where poverty and terror still prevailed. This was especially apparent in the eastern part of the state, where attempts were being made to organize the sharecroppers. We heard of floggings and murders, of union meetings broken up by violence. Norman Thomas had been given a rough reception when he came there to speak for the oppressed.

When we crossed the Mississippi at Memphis and turned north into Arkansas plantation country, we saw still a different picture—an example of the impersonal mechanized farming that has become characteristic of some areas.

Here three privately owned plantations alone totalled 46,000 acres. Labor was brought to them from Memphis, eighty miles away, where men and boys were loaded into trucks at three in the morning. At the plantations they worked a full day, at dusk climbed back into the trucks for the long ride home. Pay for the day: one dollar.

I saw the tremendous excitement about the Rust Brothers' cotton-picking machine, then in its experimental stages, and witnessed, too, the tremendous foreboding among those in the fields who picked cotton and knew no other way to make a living. Long before they had ever heard the word, they recognized the ominous threat of automation. The only answer open to them was to join the already disastrously long ranks of those standing in line outside the factories, ranks including men who had always before been independent in the hills, as well as sharecroppers, in competition for the steadily diminishing trickle of jobs. Union organizers moved among those inside and those outside the factories, preaching —and "preaching" is the right word—the need to stand together.

On a later trip I found a different kind of response to the consolidation and mechanization of the farmlands at what the newspapers were calling the Lost Colony near Poplar Bluff, Missouri. Here I saw shacks patched together from boxes and flattened tin cans, but the people who lived in them—old and young, white and colored—were friendly, cheerful and clean. This was a group of sharecroppers and day-laborers and their families who had been ordered off the plantations that had been their home for years. When they didn't go as ordered, they and their meager belongings were dumped on a highway. Newspaper publicity had brought the offer of a place out of sight in the woods they might use, and there they had set up a community for themselves. When I reached the barbed wire fence they had had to put up for their protection, I found they were expecting the preacher—none other than my old friend Claude Williams. They told me of the cars that came down their dirt road in the night to fire shots in their direction. One of the young men who had served in the Army demonstrated the guard system he had set up to protect the community. An old woman showed us the outdoor rig on which she was canning small potatoes. They were friendly and polite to me, but their attention was focused on the gate where the preacher would appear. When he finally came, they crowded around him, each trying to touch his hand. It was easy to see how they felt about this man whose concern for their plight and willingness to risk his life to help them had been proved again and again.

On still later trips I saw sparkling evidence of what socially directed action can accomplish. There was the Delta Cooperative Farm in Mississippi that Dr. G. Sherwood Eddy helped establish, directed by Reverend Sam Franklin, a Presbyterian minister who had done missionary work in Japan. Here evicted sharecroppers, Negro and white, were living in comfortable cottages built with their own hands of timber that had grown on the land. They had a hall for worship and recreation, and a clinic directed by a Harvard-trained doctor.

I saw two Farm Security Administration projects in Arkansas where farmers vied in scientific crop cultivation and animal breeding, their wives in canning and dressmaking, with the help of trained FSA agents. I could see these New Deal demonstration projects doing honor to the dignity of the individuals whose lives they touched, and it made me furiously impatient to get on faster toward an economy that would function for the welfare of all the people.

By the time I returned to New Haven from a second Southern traveling seminar in the fall of 1936 I was thinking more decidedly about socialism as a better way of life. Not yet ready to join the party, I did join a Norman Thomas for President Committee and began making political speeches. I recall one occasion when I went with two veteran party workers to a meeting in a suburban community. When I stood to speak I felt much as I had felt earlier at Central Labor Council meetings—like an ivory-tower novice entering a different world.

After the meeting, as we were driving home, one of my comrades asked, "Did you ever know Gene Debs?" When I replied that it had not been my good fortune, he said, "Too bad, too bad!"

He then dramatized a visit that Gene Debs had made to New Haven years before. His idol had taken a room at the Avon Hotel, a small, inexpensive place, and invited his friends to meet him there. "Gene talked and talked with us," my friend went on, "and when we finally said goodbye he put his long arms around us and we felt we were in the arms of the Lord."

Two of the faithful who showed no interest in formal religion nevertheless almost ascribed divinity to the greatest human being they had ever known. Somehow I felt that I had missed a great deal, and I now wish there were a few Gene Debs in the United States today to tell the truth about the sins of unemployment and poverty in an affluent, war-making society, and call employers, workers and their leaders to repentance.

[CHAPTER NINE]

My work with the National Religion and Labor Foundation was all I could ask—absorbing, stimulating, rewarding. But there was a great emptiness in my life during those years while I waited for Ola, my sweet, lovely Ola. I poured my heart out to her in weekly letters, and tried to feel close by writing of the things I was doing and hoped to do. I read and reread her letters, and tried to imagine her days and the people she was helping, but it wasn't easy. These were turbulent times everywhere, but especially so in China. Every time I read of a new disturbance there, my heart turned over painfully with fear for Ola.

I was uneasy when I remembered how Ola had told me of teachers in her school in Chungking collecting all books that might be "dangerous" and hiding them in her attic because "*they* won't search a foreigner's house," and of brilliant, suspect students being arrested, jailed and later carried in traditional topless sedan chairs to the execution ground near her school and beheaded. Now she wrote of the enthusiasm of many of her students in Chengtu over the promise of the New Life Movement. But she also wrote of corruption in the government, poverty and terrible disease, and the restlessness and disillusionment of many young people. To be young and try to think for oneself was a terribly risky thing for a Chinese high school student.

Later Ola's letters told of students who mysteriously disappeared and eventually turned up in the Northwest, where the revolutionaries were gathering their forces. They went to join Mao Tse-tung, Chou En-lai and Chu Teh, led by their burning desire to build a new China free of graft and foreign imperialism. Some of the teachers at Ola's school could not understand such behavior. "Why is it when here we give them good classrooms, good teachers, comfortable beds and plenty of good food, they still want to go and live in caves where they have to sit on rocks to study?" queried Miss Fan, the Chengtu Girls High School principal. "I don't know what they can be thinking of." They were thinking of revolution.

Finally, though, in the autumn of 1938, three long years and more since we had said goodbye in Arkansas, Ola came back to me. I met her in Phoenix, Arizona, at her sister Faye's house, and there, on November 19, we were married. Her brother-in-law, a Methodist minister, performed the ceremony. With us were her sister, her brother Quinton and his family, and a few friends.

We left that night on our journey East, and arrived at Ola's mother's house in Amity in time for the happiest Thanksgiving Day of my life, when I saw Grace and her children again, and Ola's sister Amy and her family whom I had not met before. With the long separation over forever, with Ola safe and married to me, I gave thanks with a very full heart.

From Amity we went to Muncie, where I introduced my bride to Mother and Aunt Kate. If my mother had had any qualms about this marriage, she had loyally concealed them, but as soon as she laid eyes on Ola she recognized that this was right. She fell in love with Ola immediately and took pleasure in inviting numerous friends to the house to meet her new daughter-in-law. Ola loved them all, and enchanted them with stories of her life in China, illustrated by the embroideries, paintings and dishes she had with her to show the exquisite work of her Chinese pupils.

Home in New Haven, we began our domestic life in a small downtown basement apartment. We couldn't have been happier if it had been a palace. Ola has the gift of making all kinds of people feel comfortably welcome in her presence, and she is an excellent cook. Friends soon started flocking to the little apartment.

We belonged to Summerfield Methodist Church, served by my old friend George Butler. It was a church of working people. I was recommended for, and granted, a local preacher's license, by the District. The license entitled me to preach and assist a pastor in many ways. I was foolish then not to have met the full requirement for ordination, for I had taken the necessary theological training. I was pleased, though, to be granted the limited license. Because of my awakened interest in labor, I held it to be a high honor, and one in the tradition of my church, for in the early days of the Industrial Revolution, Methodist lay preachers often served as union organizers.

Ola also entered into the work of the Religion and Labor Foundation. Tucking sandwiches for our lunch into a bag, she would come with me in the mornings to the small office in the Western Union Building on Orange Street which was then the Foundation headquarters. She quickly became the dependable hub of the office work, organizing the volunteers into effective teams and holding things together during my many trips. She cheerfully spent endless hours slaving away at the mimeograph machine, that lowly instrument of education and propaganda that deserves a special chapter in the history of social change. She directed the stuffing, addressing and stamping of envelopes when she could get help, did it herself when she could not. One instance in particular hangs heavy on my conscience—the time I attended a seminar on labor education at the University of Wisconsin, leaving her the impossible task of mailing out 60,000 questionnaires during a hot July when few were available to help her.

All this did not mean that Ola had no time for her church. For ten years we worked together in the Summerfield Methodist Church, Ola giving of herself without stint. She had a remarkable way of bringing together and inspiring church school teachers, and became superintendent of the Sunday school and a leader in the Woman's Society and the young people's groups. Her graduate education and worldwide experience never created a barrier between her and others.

Our minister, George Butler, was courageously battling race prejudice, upholding the rights of labor and preaching Christian pacifism at a time when war clouds were gathering in Europe and had already begun breaking in the Orient. We stood with him then, as he now stands by us in another phase of the struggle for true fellowship.

With all these activities, in addition to creating a happy, welcoming home, Ola still found time for further service. She became a member of the YWCA Board of Directors and chairman of its Public Affairs Committee. She set up house meetings for the League of Women Voters and served on the store committee of the Co-op. She was active in the New Haven District of the Woman's Society of Christian Service and served for four years as its president. How she managed all these things, and managed them cheerfully and efficiently, is a mystery to me. I don't believe any of the groups that made such demands on her time and energy realized the full extent of her activities, but they all knew that she could always be counted on to help wherever women were needed in the cause of religion and social justice.

For me, I learned that there is no happiness akin to the knowledge that no matter where my work may take me, even to jail, Ola's smile and Ola's love will be there to greet me when I come home.

[CHAPTER TEN]

It is hard to put the meaning of my seventeen years with the Foundation onto paper, but during those years the Foundation grew from a project in the minds of a few great men to a movement that cut across denominational and doctrinal lines of both the churches and the unions, bringing recognition of their common aims and a common effort to further social justice for all.

Our program included fellowship meetings at which ministers and labor representatives exchanged views. Then came institutes and annual conferences, forums, fund-raising for the relief of strikers' families, investigation of unfair labor practices, and support of social and labor legislation. As the states and the Federal government began to create facilities for mediation of strikes, we were able to concentrate more on our basic aim, that of giving a new direction to society, releasing the powers of religion for an overhauling of the economic system that had led us into such sorry straits and now threatened to take us once more into the abyss of world war.

The variety of religious and labor organizations that sponsored the Foundation was remarkable.* Delegates to our conferences were Anglican, Baptist, Catholic, Church of the Brethren, Congregation Bahai, Congregational Christian, Church of God, Disciples, Episcopal, Evangelical United Brethren, Evangelical and Reformed, Friends, Jewish, Latter Day Saints, Lutheran, Methodist, Presbyterian, Unitarian, Universalist, YWCA and United Church of Canada.

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* The religious sponsoring bodies included: American Unitarian Youth, Commission on Justice and Peace of the Central Conference of American Rabbis, Committee on Social Justice of the Rabbinical Assembly of America, Department of Adult Education of the American Unitarian Association, Department of Evangelism and Social Service of The United Church of Canada, Episcopal League for Social Action, Methodist Federation for Social Action, Presbyterian Fellowship for Social Action, Racial-Industrial Department of the Fellowship of Reconcilation, the YWCA, and the Unitarian Fellowship for Social Justice.

The international unions represented were: Amalgamated Clothing Workers of America, Brotherhood of Sleeping Car Porters, Communications Workers of America, Congress of Industrial Organizations, Industrial Union of Marine & Shipbuilding Workers of America, National Women's Trade Union League, National Farmers Union, Oil Workers Industrial Union, United Mine Workers of America, United Rubber Cork Linoleum & Plastic Workers of America, United Steelworkers of America, Textile Workers Union of America, and the United Transport Service Employees.

From these diverse materials, we formed a team to apply God's judgment as revealed in our Judeo-Christian heritage to the present economic system. For this we had precedents going back to an earlier period in our industrial development. The church had had outstanding spokesmen who took cognizance of the fierce economic struggle at the heart of our great industrial development coming into being. Churchmen and laymen, and then church bodies, began to speak out. One of the first of the churchmen to do so was Washington Gladden, a Congregational minister of Columbus, Ohio, who understood, and tried to make others understand, why workers were "complaining and rebelling." A revered member of this early group of ministers who identified himself with labor's cause was Walter Rauschenbusch, the eminent Baptist minister and theological professor. In 1921 he wrote in *Christianizing the Social Order* that "the labor movement has been one of the strongest and, on the whole, one of the most beneficient reformatory influences in modern life."

We subjected the free enterprise system to moral tests and found that it failed signally in four main respects: it tends to strengthen self-regarding motives and discourage motives of love and service; it fosters class antagonisms; it tolerates extensive unemployment; and finally, it obscures the principle of God's creation and ownership, as men are taught to arrogate to themselves individually control over as much of the economy as they can get their hands on. Personally, I was rapidly losing faith in the present order.

With such a membership and such ideals, it is truly astonishing that the Foundation grew as rapidly as it did.

The part of the work that meant most to me was reaching the young men and women in the theological schools. I found inspiration in their enthusiasm and energy, and found them eagerly responsive.

I urged members of the Foundation's seminary chapters to take summer jobs that would allow them to join a union. At machines and in union meetings they would feel the rawness of the struggle and learn to recognize the temptations and moral problems that face a working man. I urged them to join picket lines, to raise money and collect food for relief. Through their seminary chapters I invited union organizers to speak at our meetings and address the seminary classes.

Philip Murray, then head of the CIO, was a good friend of the Foundation. He invited us to coordinate our annual student conferences with the CIO conventions so that interested union officials could stop in at our meetings and speak to us. In turn, the CIO honored us with guest badges so that we could attend sessions of their convention. On these occasions I took pains to introduce students to the leading labor representatives, and to make sure they noted that representatives of the Catholic, Protestant and Jewish faiths all moved freely among the union delegates, taking turns in giving the invocaations and addressing the membership.

To quote from a talk I made in Chicago in 1948, I wanted the young people to understand that "revolution and counterrevolution face each other all around the world, and the wealth and power position of our own country makes her chiefly responsible for the direction of world affairs. We are part of America, and therein lies our historic opportunity to win victory for world brotherhood." Find some untried means, I challenged them, before it is too late, to develop an understanding among the American people of the historic forces at work in the world, and bring them to an awareness of black reaction here in our own country. Ask what we have to offer a world struggling out of poverty and misery. The answer, I believed then, and believe now, is to recover the revolutionary quality of our heritage and follow it in our dealings with men and with nations.

We were not lonely Jeremiahs in expressing these convictions about the present economic system. E. Stanley Jones, eminent Christian missionary and student of world affairs, had declared that "today we are at an impasse in Christendom. We have gone as far in spirituality as we can under that competitive system . . . but change the order to a cooperative one, and Christianity will seem the only natural way of life. God is saying to us 'Right that economic relationship with each other, and I will trust to you the true riches.' A spiritual reawakening on a world scale awaits the righting of that relationship." Elton Trueblood, a Quaker author and educator, in *Foundations for Reconstruction,* wrote in the same vein when he declared that we face "a break-up of the spiritual inheritance of the West, and in the victorious democracies it takes the form of actual paganism combined with lip service to the ancient faith, or, at any rate an unwillingness to deny it."

These truths were perhaps even cloudier then than they are today, but light was beginning to break in the stirring days of the New Deal. One after another the foundation stones of a better order were being shaped and fitted into the structure of our government—unemployment insurance, social security, the Wagner Act, the wages and hours law, the expanded farm program, bank account insurance, and other measures expressive of the government's acceptance of responsibility for the welfare of the individual. To a greater degree than ever before in our history, the concept that we are our brothers' keepers was put into practice on a national scale.

Many of our Religion and Labor experiences also gave proof that light was beginning to break. One experience vividly foretold the sit-ins of today. It was in the late forties, on a Sunday, that 150 delegates to a CIO educational conference in Columbus, Ohio, sat "with one accord in one place" in quiet protest against the discriminatory practices of the hotel in which we were meeting; it had refused to serve the Negro delegates.

At 7:30 the entire body of the conference assembled for breakfast in the coffee shop. When the Negroes were refused service we sat waiting eight hours. In a moving short sermon, Orville Jones spoke of the meeting as a fulfillment of the American dream of freedom and civil rights. "The historical pattern of a slave economy still persists," he told us. "We still have with us a group of people who project their fear and guilt into forms of discrimination to cover up their own inadequacies. The time has come when we cannot let them foist their injustices upon others, we must exercise means to restrain them."

The Second World War came, but even as it was fought the planning went on. The dream of one world, the four freedoms, the century of the common man, were formulated into words, shining ideals offered by President Roosevelt and by the Allies to all people everywhere.

Then, along with the President, the dream, too, seemed to die.

Typifying the postwar malaise for Ola and me in many ways was our experience with Stefan, a young Polish bomb-scarred refugee. In 1947 we bought a four-family house in New Haven, renting three of the apartments and occupying the fourth ourselves. With a place of our own at last, we decided to offer a home to one of the millions of youngsters torn from their homes and families by the war. We loved Stefan and would have adopted him, but Stefan had been too badly hurt by his early experiences to accept love and trust. He was a brilliant boy, with great artistic talent, but he was never able to relax. We had a map of the world on the kitchen wall. Stefan would look longingly at the vast reaches of the Pacific Ocean, and often he would put his finger on some tiny island, saying he wanted to go there. "It does no good to run from the bombs any more," he would assure us earnestly. Only on a tiny bit of land thousands of miles from anywhere and too small to be of interest to others could he envision safety. Although helpless to rid him of his obsession, I understood it very well.

Stefan dramatized for me what I was beginning to see as the overriding need of our time. As after World War I, I and millions of others felt a driving hunger for an assured peace, but it seemed, to me at least, that the country as a whole, in its desperate longing for peace, was driving frantically in the direction of still more war. Fear drove men to look suspiciously at anyone whose views differed from their own. The murk of suspicion and fear that had begun to cloud the horizon during the Spanish insurrection had subsided during World War II, but it soon began to poison the atmosphere again at the war's end. Those who had supported the Spaniards remaining loyal to their democratically elected government against Franco, highly regarded during the Thirties and the war years, now became subject to Congressional investigation.

Anti-communism became the negative basis of our international policy, and it seemed to me, as it seemed to Dr. Frederick L. Schuman, distinguished professor of government at Williams College, a perfect formula for the destruction of democracy by the forces of fascism.

The poison of suspicion, fear and hate spread rapidly, turned inward on the country and reached its climax in the national hysteria epitomized in McCarthyism. Anti-communism, as Dr. Schuman wrote, can never be a workable basis of foreign policy, but anti-communism at home "has served as the rationalization for McCarthyism, for un-Americanism disguised as Americanism and subversive of all the values of decency and tolerance most precious in the American tradition, for the perpetuation of a monstrous pattern of racial discrimination, segregation and persecution."

Foremost as a target for suspicion was the National Council of American-Soviet Friendship, an organization that had functioned for years as an unofficial cultural exchange center. In November of 1945 Admiral Ernest King, head of the U.S. fleet, Undersecretary of State Dean Acheson, the British Ambassador, the Dean of Canterbury Cathedral, and 20,000 others listened in Madison Square Garden while General Dwight Eisenhower proclaimed that "American-Soviet friendship is one of the cornerstones on which the edifice of peace should be built. To achieve this friendship, nothing is more important than mutual understanding on the part of each of the institutions, traditions and customs of the other. . . . As an American soldier and lover of peace, I wish your Council the utmost success in the worthy work it has undertaken."

It was only a few years later that the council's executive officer, the Reverend Richard Morford, was sentenced to jail for refusing to turn in the names of its members. When imposing the sentence the judge said, "The very word 'friendship,' when used in connection with the Soviet Union, is subversive."

Then came the deportation drive under the Walter-McCarran Act, a witch-hunt that threatened 3 million non-citizen residents and their families, and faced naturalized citizens with the possibility of deportation to countries where they had long since severed their ties. This was followed by the other McCarran Act, the Internal Security Act of 1950. Even President Truman rejected that law, prophesying that it would open a Pandora's box of troubles to plague the country. His veto was overridden and the Pandora's box was opened, permitting for the first time in our history the outlawing of a political party. The First Amendment of the Constitution was cut to ribbons, and the hero of the hour was Joseph McCarthy.

In the words of that very astute political reporter Richard Rovere, McCarthy "walked then with a heavy tread over large parts of the Constitution of the United States, and he cloaked his own gross figure in the sovereignty it asserts and the powers it distributes. He usurped executive and judicial authority whenever the fancy struck him. It struck him often. . . . It was a melancholy time, and the Chief Justice of the United States was probably right when he said that if the Bill of Rights were put to a vote, it would lose."*

These were the loudest voices that spoke for America then, and they spoke fear and hate. Hate Russia, hate China, hate communism, fear your neighbor, spend the nation's resources on ever more frightful weapons, never mind if they destroy us all. But there were other voices, too. Three million Americans signed the Stockholm peace appeal, in spite of the recognized risks in the signing. The churches took a firm stand in the courageous call for sanity. The World Council of Churches, in February, 1950, issued a statement against the bomb which "had changed war from a fight between men and nations to a mass murder of human life." Things were happening, too, at the United Nations as it approached its fifth anniversary. Its Secretary-General, Trygve Lie, was making a noble effort to re-establish it as the great force for peace it was meant to be. He had been to Moscow and to Washington, and then to Paris, on a mission of peace. To save the United Nations—his words—he had come out forthrightly for giving the Chinese People's Republic the Chinese seat on the Security Council. He was about to go to London to speak on the platform with the Prime Minister and the deputy leader of the Opposition before the United Nations Association of Great Britain. The British Government was about to change its vote in the Security Council. France had given notice that it was going to do so. Egypt was expected to follow. Ola visited Lake Success the day Lie returned from his Moscow mission, and shared in the joy of the staff assembled to give him a hero's welcome. His mail was heavy, largely from Americans, and it was running a hundred to one in favor of his efforts.

So there was hope in the world that spring of 1950, shining out above, around and below the fog of hate and fear, but the fog was growing denser. My heart sank as I watched the weaknesses of the United Nations become ever more apparent, and as the passionate yearning for a path to peace in the hearts of men met with frustration time after time.

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* Richard H. Rovere, *Senator Joe McCarthy*, Harcourt Brace & Co., 1959.

I looked for new hope in the slow emergence of a grassroots movement for peace, this time arising from the people and directed to people, not governments, that was seeking for leadership. My hope grew stronger as I saw that leadership undertaken by some of the most brilliant and most respected people in the country—such internationally recognized figures as Albert Einstein and Thomas Mann; religious leaders such as Bishop W. J. Walls of the World Council of Churches executive committee, and Reverend Edwin Dahlberg, later president of the National Council of Churches; a woman such as Emily Green Balch, holder of the 1946 Nobel peace prize and chairman of the Women's International League for Peace and Freedom. These and others of their caliber sponsored the Washington Conference called by the Committee for Peaceful Alternatives held in May of 1949.

After that conference, the committee issued an open letter urging defeat of the arms program. This was followed by an open letter, signed by 150 leading public figures, to protest the making of the hydrogen bomb. The committee also issued a statement, signed by 1,300 prominent citizens, calling for an era of atomic peace. All of these activities were widely publicized and strongly supported. Surely, I felt along with millions of others, we had found the answer to the threat of annihilation that was looming over us all. Surely no one, no matter how short-sighted, self-centered or perverse, could fail to recognize this threat, so personal and so all-embracing, or fail to take the only way out that offered hope of success.

But I was wrong. The hydrogen bomb was made and tested, as the world will never be able to forget. It was incredible, but it happened.

At this point Dr. Linus Pauling took the lead in trying to make people understand the consequences of even continued testing, much less use of the bomb in war. His stature as a world-renowned scientist and a Nobel prize winner should have made it impossible for any group or government to ignore his warnings or belittle his predictions.

On the basis of Dr. Pauling's analysis, the Committee for Peaceful Alternatives issued a call for a Mid-Century Conference for Peace to be held in Chicago in May, 1950. The list of initiating sponsors of that conference reads like a roster of the great-hearted, great-souled humanitarians and the keenest scientific and academic minds of our day.*

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* On that list of those issuing the call are the names of three of the original sponsors—Thomas Mann, Bishop Walls and Miss Balch. From the churches and synagogues were Dr. David D. Baker, president of the Church Press; Dr. David Crawford Barclay of the Methodist Board of Missions; Rabbi Jonah Caplan of New York City; the Reverend Mark A. Dawber, former executive secretary of the Home Missions Council of North America; Rabbi Alvin I. Fine of San Francisco; Bishop Sherman L. Green of the African Methodist Church; Mrs. Welthy H. Fisher of the United Council of Church Women; Dr. D. V. Jennison, president of the National Baptist Convention, U.S.A.; Jameson Jones, president of the National Conference of Methodist Youth; Rabbi Leo Jung of the Jewish Center in New York City; the Reverend William E. Lampe, general secretary of the Evangelical and Reformed Church of America; Don E. M. Mathews, president of the Student Cabinet of Union Theological Seminary; Dr. Albert W. Palmer, former moderator of the Congregational Christian Churches of America; the Right Reverend Edward L. Parsons (retired), Protestant Episcopal Bishop; Professor George V. Schick, secretary of the Evangelical Lutheran Synodical Conference of North America; and Bishop R. R. Wright, Jr., of the African Methodist Episcopal Church.

The theological schools and seminaries were represented among the signers by Dean John B. Thompson of the Rockefeller Memorial Chapel of the University of Chicago; Professor Charles W. Iglehart of the Union Theological Seminary and chairman of the board of directors of the Fellowship of Reconciliation; Dr. Walter G. Muelder, dean of Boston University School of Theology; Dr. Abraham Cronbach of the Hebrew Union College in Cincinnati; and Rabbi Robert Gordis of the Jewish Theological Seminary of America.

The colleges and universities were represented by Dr. Pauling, who at the time was chairman of the Department of Chemistry of California Institute of Technology; Kermit Eby, professor of social science, University of Chicago; Professor E. Franklin Frazier, chairman of the Department of Sociology of Howard University; Professor Robert J. Havighurst, School of Education of the University of Chicago; Dr. Benjamin E. Mays, president of Morehouse College in Atlanta; Dr. John S. Nollen, president emeritus of Grinnell College in Grinnell, Iowa; Professor P. A. Sorokin, chairman of the Depart-

For eleven years the world had lived with the threat of human extinction; now surely the world would heed the call of leaders such as these, people everyone could trust.

With all the world changes had come a slow but irrevocable change in me. Gradually I came to see that, in order to satisfy my conscience, I would have to work for a new order based on Christian socialist ideals. It was becoming clear to me that the essential starting point for any real progress was peace. I was dissatisfied with my efforts. It was well enough to be peace-loving and peace-praying, but I wanted to give feet to the loving and praying. Now came a chance for me to take a significant part in the effort. I was invited to serve as executive director of the Mid-Century Peace Conference in Chicago. I was given leave by the Foundation, and in March, 1950, plunged wholeheartedly into the task.

The list of sponsors grew from 40 to more than 200, including the most distinguished names in the churches and synagogues, colleges and universities, and in the arts and sciences. I noted sadly that few labor leaders answered the call, although many of the rank and file appeared spontaneously as individuals at the conference.

When the conference convened, there were more than 700 delegates from thirty-one states. I was a conference-hardened person by that time, but not since my student days and those first inspiring assemblies on Wisconsin's Lake Geneva had I been so stirred as at that Chicago meeting, held in St. James Methodist Church. Here was the intellectual flower of America shouldering responsibility for turning the balance of mankind's destiny.

Take your fate into your hands—was our challenge to the world. Rise above the diversity of political, economic and re-

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ment of Sociology at Harvard University; Dr. Charles Turck, president of Macalester College in St. Paul, Minnesota; Professor Oswald Veblen of the Institute for Advanced Study at Princeton University; and Professor Goodwin Watson of Teacher's College, Columbia University. Another name on that list evokes sorrowful memories: Professor F. O. Matthiessen of Harvard University, a distinguished scholar.

ligious persuasion and devote yourselves to the cause of peace. Let your voice be heard.

The conference demanded rejection of the monstrous philosophy that war is inevitable. It appealed to the President and the Congress to work with the Soviet Union to ban the bomb as a first essential step toward disarmament. Turn the world's resources from destruction to serve mankind.

From Europe, Thomas Mann sent his message, saying, "The vast savings in such worldwide disarmament pacts . . . would be the cheapest monetary bargain in our history. . . . But bargain or no bargain, the Russians have the A-bomb; they may well have the H-bomb, too, and all scientists agree that no defense exists against these powers of destruction which have nothing in common with anything man calls 'weapons' . . . are we to plunge into the abyss of the atomic war which would annihilate humanity or reduce it to a prehuman status?" Such an alternative is unthinkable, but what of the cold war before our eyes? "We see that it destroys what it seeks to preserve—democracy."

Dr. Mann closed with the challenge: "May this powerful country rise to a moral boldness in keeping with its strength. May she seize the initiative to call a universal peace conference at which not only would an end be put to the pernicious arms race, but a plan would be conceived . . . for the comprehensive financing of peace, to the end of administering the world in common, of distributing its good in such a way that wretched poverty and needless suffering for which man rather than God is responsible should be abolished."

Not until Russia had scorned such world planning, he said, could we dare to assume that Russia does not want peace—*a proof now taken for granted with much prematurity.*

Along with Thomas Mann, representing the best of European thought and humanity, I would like to quote our own Kermit Eby, born and raised in the American Middle West, heart of so many good causes. "There is a still small voice," he said, "a remnant, if you will, which cries out for the attainment of the most positive of man's aspirations—a harnessing of the good that is in man's nature for the building of a better world. . . . What I have said . . . really rests on the simple basic assumption that the American and Russian people do not want war. . . . Thus I believe what for me has always been a deep faith, that the common humanity of Americans and Russians transcends any conceivable differences. [I] believe that the hungry should be fed, the naked clothed, the homeless housed *because* they are hungry, naked and homeless, and not because they are anti-Communist or pro-Communist."

There spoke the America of my enduring faith.

And now we had before the conference, as a peaceful alternative to a third world war, the simple proposition that we should help feed the world's hungry, and share with them out of our common stores, nation by nation, the abundant goodness of the earth. The Mid-Century Conference for peace ended on that high note, and the delegates went home to work for peace.

I returned to the National Religion and Labor Foundation headquarters, but continued to serve as a member of the executive board of the Committee for Peaceful Alternatives.

Thus I was surprised but not entirely unprepared when, on the last day of October, 1950, I received a cable inviting me to a world peace conference to be held in England.

[CHAPTER ELEVEN]

On the evening of November 10, 1950, I stood shivering in the slipstream of departing planes at La Guardia Airport on Long Island. I didn't know it, of course, but I was about to take one of the longest steps leading to my jail cell.

Just ten days before, I had received the cable from F. Joliot-Curie, president of the World Defenders of Peace. Dr. Joliot-Curie was a world-renowned scientist and son of the discoverers of radium. The cable, followed two days later by a letter, invited me to the Second World Peace Congress to be held at Sheffield, England, scheduled to begin on November 13. The purpose was to work out conditions for "joint and urgent action on the part of all men who are attached to peace." My heart leaped in answer to such a call.

I had thought that World War I convinced the world that war could solve no problems. The hot revulsion so many of us had felt against war flamed higher in the early Twenties as the grisly statistics and the dismal achievements were documented. Hope, then time, and finally the urgent immediate calamities of the Depression absorbed the pacifist fire until World War II brought back the horror and the threat, this time even more clearly stated in the final terms of nuclear extinction. The United Nations, conceived in such passionate hope, had then itself embarked upon war in Korea, and in that November of 1950 was in retreat. To me, as to millions of others in high and low places in every part of the world, there was no question: governments had failed; if the human race itself were not to fail, if we were to survive at all, people—not governments, not institutions, but people—would have to find a path to peace. I knew by then without any doubt that I had no higher commitment than to work for peace.

My heart was committed, but my mind was forced to stop and consider. There would be Communists at the conference—indeed, Dr. Joliot-Curie himself was well known as a Communist. But I knew that churchmen would also be at the conference, as well as socialists, pacifists and many others unlabeled except for their deep and genuine desire for peace. I had been warned that "subversive" (experience has taught me always to put that word in quotation marks) influences would dominate the World Peace Congress. I was told that the Communists were cynically exploiting the passionate desire for peace to gain world domination.

There wasn't time to convene the Board of Directors of the Religion and Labor Foundation. I talked long-distance with John Ramsay and Reverend Francis McPeek, the two chairmen, and to four other members. Some of them strongly approved, others pointed out the danger of possible disapproval.

I studied the list of U.S. delegates. There were more than sixty, and they were an all-American group, cutting across the lines of religion, race and politics. Education and labor were well represented. The only common denominator seemed to be devotion to the cause of peace. I was not afraid, in fact I felt that I could not refuse, to take a stand among those delegates. I accepted.

So there I was, one of thirty-three embarking that night for England. We changed planes in Montreal, breakfasted in Newfoundland, and started the long hop across the Atlantic headed for Paris. We watched the sun rise and set over the ocean, impressing us all with the vastness of our earth, the wonder and danger implicit in the fact that we would be halfway around it before the day had ended.

Dense fog over Paris kept us circling, climbing, bouncing for an hour, giving us time and a strong incentive to consider how thin is the thread of life for each of us, how vastly more important than ourselves was our mission to protect the human race. Appropriately, this was November 11, a day commemorating those who died in "the war to end war."

Eventually the pilot gave up attempts to land and headed out over the Channel toward England. Before midnight we saw the clear lights of London reflected in the Thames. Although this landing was unscheduled, we were permitted to land and disembark. Then the trouble began.

At the immigration office we found Scotland Yard authorities waiting to interrogate us, one by one. The British government, it developed, aided and abetted by the U. S. State Department, was determined to make it difficult if not impossible for the congress to convene. This was a surprise rabbit punch for which we were unprepared.

My own interrogation was comparatively mild, but the questions I was asked revealed that detailed information about me had been supplied from some source. I could imagine what that source was. I was a Christian Socialist, I told them in answer to their questions; I had been in Great Britain the previous year to help lead a seminar, and had many British friends including several clergymen and members of Parliament. That seemed to satisfy them. Others of the delegates did not come off so easily.

After the grilling we sat through the rest of the night in the airport waiting for the verdict. Would we be allowed to continue on to Sheffield? Our every move was watched, our luggage couldn't have been more closely guarded if it had been filled with atom bombs. I wanted to telephone my friends, but that was not allowed.

At five o'clock of that dreary November morning, we were escorted through the rain back to our plane. We were not going to be permitted to enter. I found it hard to believe. The refusal was not only a denial of freedom of speech and assembly, it seemed to me a piece of stupidity that would antagonize people all over the world and provide telling propaganda for the Russians. I wrote in my diary, "Shame on Britain, cradle of liberty and mother of parliaments!" Shame, too, on our own country for its part in this.

My feelings were echoed by powerful voices when it became known that more than half of the 700 delegates who were approaching Sheffield were refused entry into England. Among those turned away were Dr. Joliot-Curie himself; Pierre Cot, former French air minister; Pietro Nenni, the Italian Socialist Party leader; Ilya Ehrenburg, prominent Russian journalist; Dmitri Shostakovich, one of the foremost composers of our time; and the Metropolitan Nicolai from the Soviet Union.

A storm broke over the head of Clement Attlee, the Prime Minister, when the word got around. Labor members attacked their own administration on the floor of the House of Commons, while even that doughty Tory, Winston Churchill, addressed pointed questions to the government and denounced the action as "lacking in skill, tact and discretion." Attlee could only mumble in reply that his government had not forbidden the holding of the congress and had not denied entry to any but "unacceptable persons." His justification was that he was not disposed to permit the entry of people "to recruit partisans for the Soviet Union." Many British newspapers expressed their opinion of this feeble defense in barbed cartoons and editorials.

On our side of the ocean, *The New York Times* published on its front page the fact that so many delegates had been refused admission that "the Congress was divested of any pretensions of speaking for the peace-loving peoples of the world." "The Sheffield situation," *The New York Times* reported the following week, "touched the conscience of a country that has for centuries prided itself on its uncompromising principles of freedom." But by then the damage had been done. After a one-day meeting at Sheffield of the delegates who had been allowed to get there, an invitation from the Polish government to hold the congress at Warsaw was accepted.

Our dejected group knew nothing of all this as we reboarded our plane for another try at landing in Paris. This time the pilot nosed through the clouds and put down just as dawn broke. Our spirits quickly rose, for the news of our ejection had been published to the world by then, and everyone we met seemed bent on making amends to us. Our passports were stamped in record time. The Paris Peace Committee sent a bus to take us to the du Shone Hotel, where rooms had been quickly made available. We were advised to sleep until afternoon, when we would be taken to the Palace of Peace, world headquarters of the Defenders of Peace, where a press conference had been hastily scheduled.

By late afternoon delegates from all over the world were assembling in the palace. The struggle to communicate over the language barrier was on. My remembered knowledge of German helped, as my halting questions and answers in that language were refracted through a Frenchman into Spanish to a South American delegate. I soon learned that our London difficulties were slight compared to the indignities imposed on some of the delegates.

We were very happy indeed to learn that we hadn't missed the congress after all, that we could go with the others to Warsaw, where we would all be welcome. We knew there might be trouble with the State Department. Well, we had started out in good faith for Sheffield; it was no fault of ours if the Peace Congress had to be transferred to another country in order to be held at all. Is not freedom of movement one of the inherent rights prized by the founders of, and embedded in, our form of government? Does a citizen not have the duty to challenge restraints on essential freedoms? My passport was in order, I would go.

Meanwhile I had one day in which to prepare a section of the protest we were addressing to the British authorities, to write to my British friends and explain why they were not going to see me after all, and, of course, to let Ola know what was happening. But when I woke at seven on that Monday, November 13, the magic air of Paris beckoned irresistibly in spite of darkness and rain, and I went out to explore a little of the fabulous city.

I was caught playing hooky by three other truant members of our party, a lawyer and two Episcopal ministers. We all sat down to enjoy an American breakfast of bacon and eggs in the heart of the French capital. After breakfast we wandered through the Paris streets a little longer, absorbing all we could of the special atmosphere, then went to work on the American protest. I didn't go with the committee that took the protest to the British Embassy but the others reported that the Embassy guard, who had heard all about our treatment, said to them, "I hope you make it stick!"

Tuesday afternoon a real mixing began, as the throng of delegates, augmented now by many who straggled in from various points where they had been detained on their way to England, entrained for Brussels.

A grand reception awaited us in Brussels, where trainloads of delegates were arriving every hour. We marvelled at the arrangements, made on only two days' notice. Nothing seemed too much for our hosts. A large hall was ready, where dinner was served to us all. Even the trainmen shared the general good will, handling our luggage with great courtesy.

After dinner we took off in fifty planes the Czech government sent to Brussels to airlift us to Prague. About midnight one of the Czech crewmen came back to announce that at that very minute we were crossing the Iron Curtain. Since we were flying at 14,000 feet, he added with a broad grin, we ought to clear it without mishap. We laughed and thanked Clement Attlee and Dean Acheson for helping us to see a part of the world we might have missed without their obstructionism.

Although it was two o'clock in the morning when we landed at Prague, we found a great crowd of people waiting for us. Most of them were young, and we no sooner touched the ground than we found ourselves seized and danced in circles to the music of accordions. This strenuous welcome was followed more sedately by welcoming speeches in a large reception room. Then we all sat down to a bounteous dinner —at three in the morning, and we were hungry enough to enjoy it, too—before going to our lodgings in Prague's finest hotels.

Next day I had a chance to see something of Prague. While I looked at the beautiful city, the capital of an industrious country that doesn't know the meaning of the word "unemployment," I heard accounts of the social and economic achievements of Czechoslovakia.

At midnight we gathered at the packed railroad station to start the last lap of our journey. Bands played. Hundreds of girls in native dress formed lanes along the streets singing "Youth's Song of Peace," a song we were to hear again and again. Throughout the night I talked with as many people from as many different countries as I could, in the compartments, in the corridors, in the dining car which was stocked with food. As daylight came I stood by the window looking out at the houses and the barns, comparing them with the farms I knew as a child in Indiana.

The most memorable scenes of the twelve-hour journey were the station platforms in the cities, jammed and overflowing with people there to see and cheer us. Whenever we stopped we were almost mobbed by young people wanting to shake our hands, asking for our autographs and wishing us success. They were not there out of idle curiosity. As I looked at their eager, upturned faces, I could read in them the plea, "Please make a world that we can live in!" The message was condensed into a rhythmic chant that sounded to me like "Po-koo-ky, Po-koo-ky," which I learned means "Peace, peace!"

My first sight when we stopped in the Warsaw station was the flags of all nations riffled by the breeze above a high platform where speakers waited to welcome the visitors from eighty different countries. After the official addresses and the responses by representatives of the various groups of delegates, we were distributed by bus to hotels and rooming houses. I was lucky, for I drew one of the few large hotels, the Bristol, which had been reconditioned since World War II. As I rode through the flag-decked streets filled with waving, cheering people, the gaunt walls and piles of rubble gave silent, solemn urgency to the mission that had brought us here. The faces, the voices, the hopes and fears, the very stones cried out, "There must be no more war!"

The meeting convened at the Don Slowa Polskiego building, just completed. The building was to house the largest printing establishment in all Europe. When the Congress was invited to Warsaw just four days before, newly installed printing machinery had been pulled out and replaced by lines of tables and chairs to accommodate 3,000 people. Special equipment for simultaneous translation and transmission of the speeches in nine different languages was installed and ready for use when we arrived. Restaurants had been opened, rooms readied for the press, for committee meetings and for film showings. Since Warsaw days are short in November, lighting was arranged to give a daylight effect around the clock.

In all, 120 speeches were given. Although I was not scheduled to speak, I was honored early in the Congress by an invitation to make one of the two addresses by delegates from the United States. (See pages 234–237 for text of Warsaw address.)

On top of the twelve tall columns of the Don Slowa Polskiego were twelve huge torches that cast a constant glow for five days and nights. Fire to light the torches had been carried by young Polish runners from distant corners of the country, who passed small lighted torches from hand to hand until the last runners lit the torches for peace. True to the ideal symbolized by the torches, the congress met in a spirit of cooperation. This was a gathering of people, not of governments. Everyone was welcome. There were many dramatic examples of the readiness to abandon recrimination and bitterness from the past in the service of peace. Let the people everywhere demand peace, was the dominant cry of the conference, voiced by the delegates from eighty countries.

To those who say I should not have gone to a conference sponsored by Communists, I say: General invitations had been issued by the conference committee; any number of us could have gone. Shame on the Christian West for not having gone in force to take the lead in responding to mankind's deepest hunger and need.

[CHAPTER TWELVE]

There I was in Warsaw where I had never expected to be. A tantalizing hundred miles to the east of me was the Soviet border. For years I had wondered about the Soviet Union, trying to piece together in my mind a picture of what it was really like from conflicting reports and contradictory eye-witness accounts. Never again would I be likely to have such an opportunity to find out for myself. Should I not take advantage of it? I would try.

At the Soviet Consulate I was told it would take two or three weeks to make the necessary arrangements. I said regretfully that I couldn't possibly wait that long, and went back to my hotel keenly disappointed. My excitement revived at the end of the congress, however, when Dr. John A. Kingsbury, dean of our delegation, told me that the Soviet Peace Committee had arranged for some of us to have a ten-day study tour of Russia. I held my breath while the selection of those to go was made. As far as I could tell, the choices were designed to make up an interracial group representing varying political viewpoints and different sections of the United States. I was one of the lucky ones.

A plane was sent from Moscow to pick us up next morning. The first stop was Minsk. The weather was biting cold, but the hospitality we found here, as elsewhere in Russia, was warm.

Darkness settled over the land before we reached Moscow, and my first sight of it was lights glittering on a light blanket of snow. The moment our feet touched the ground we were surrounded by members of the Peace Committee, representatives of VOKS (the Soviet Society for Cultural Relations with Foreign Countries), and interpreters. The women delegates were loaded with bouquets and we went into the airport building for a formal reception. Then we rode in handsome ZIS limousines toward the city eighteen miles away, through a winter landscape lit by moon and stars. Blocks of tall apartment houses loomed on either side as we approached Moscow. The steel frame of a twenty-six-story University of Moscow center building was proudly pointed out to me; I recognized the red star over the Kremlin without any prompting.

I was assigned a suite at the Savoy Hotel in the heart of the city, which I shared with Charles Collins, a young Negro union leader from New York. We found spacious quarters—a large room with a desk and upholstered sofa and chair, a bath, a sleeping alcove with twin beds. At ten o'clock that night we joined the others in the huge dining room. Dinner in that elegant salon, with appointments dating from the past, lasted until midnight, the first of the leisurely dinners that gave us time each night to swap discoveries, stories and opinions garnered through the day. Frequent toasts, an important part of the dining ritual there, were proposed by our hosts, and we, of course, were expected to respond. Peace and friendship were the themes.

We soon attuned our ears to a few of the Russian words such as *spasibo* (thank you), *mir* (peace), *drujba* (friendship), and the like, but for anything more complicated we had to depend on our eyes and our interpreters. The interpreters assigned to us by VOKS were exceptional individuals. Our first, who met us at the airport, was Inni Koulakovkaya, a very able and very pretty blond woman. Her excellent command of English and her extensive knowledge of American history and religion were apparent in the quick repartee she engaged us in when she had taken our measure. Inni was deputy chief of VOKS and a war widow with two children to raise, but her lively wit never deserted her, and her attention to our interests was indefatigable.

After such a day, I was glad enough the next morning when a maid who brought us tea and cakes at eight told us there was time for another nap before breakfast at ten. We appeared at breakfast, each with a list of the things we would like to see and do during our ten days. The lists were long. Our hosts put it up to us; if we could stand the pace from nine each morning until midnight, everything could be arranged.

The notes I made in Russia are here in my cell, bringing back to me the interest and the wonder I felt. Although a great many of my subsequent troubles stem from that trip, I cannot wish that I had not gone. I saw a planning society. The planning was not, it seemed to me, laid down from above and enforced on the people; on the contrary, those with whom I talked in the factories and in the schools and universities seemed consciously striving to fill their parts in the great plan that was for the benefit of all.

I felt this particularly when I was with the faculty and students at the University of Moscow. The professor of Marxism was a Siberian peasant who had been active for years on the collective farms and in social work. He lived in no ivory tower, nor did the others who had come from the people and were now serving them. Students, too, defending their problems (we call them dissertations) talked and wrote in terms of the people. Their higher education is specifically related to the country's production and building program; it is purposeful in those terms.

The huge Stalin auto plant on Moscow's outskirts is another example of the wholeness of Soviet life and planning. Before 1917 there was not a single automobile factory in all Russia. The plant I saw started operation in 1924. During the Nazi invasion it was dismantled and evacuated to a safe place beyond the Urals. After the war it was rebuilt near Moscow, and when I was there it employed 10,000 workers, turning out trucks at the rate of one every five or seven minutes, and a dozen custom-built ZIS limousines a day as well. Production was continuous; since there was no pressure for a new model each year, there were no shut-downs for retooling, and no layoffs. Instead the problem was to find enough workers.

There was special training for workers at all levels in an effort to make the best use of the abilities of each. Many went from the factory to the technical colleges. The schools and colleges were not something apart, they were there to serve the state.

A community complex, including nurseries and kindergartens, hospitals, rest and vacation homes, served the needs of the workers and their families. The scope of the sports program is indicated by the fact that this one plant had forty-eight football teams.

In Leningrad I visited the Vyborgsky Palace at the Kirov plant, one of the 8,000 palaces of culture set up and staffed by the trade unions. Our settlement houses are the closest approximation I can think of to these palaces, except that the settlement houses are for the underprivileged, not for the whole community. I was told that there were 130 people on the Vyborgsky Palace staff, and that 5,000 men, women and children came there daily to take part in one or more of the activities. There were lectures, theater, motion pictures, dancing, craft work, painting, sculpture and music, games, sports and a library. On Sundays as many as half the visitors would be children. Young people had to maintain certain scholastic standards to be permitted the privileges of these palaces.

Although great stress was put on group performance everywhere, I found that individual talent was not neglected. One evening a group of young people put on a program for us. One of the performers was a working girl with a beautiful soprano voice. She couldn't have dressed more carefully or sung more seriously if she had been an opera star. She was living proof that in Soviet society there is no gulf between work and culture; all the people—on farms, in factories, or wherever they are—have a right to cultural opportunities.

I went early one day to attend a service at the Russian Orthodox Church in Leningrad. The church was large, but not in very good repair. Inside, strong pillars supported domelike frescoed ceilings. The icons and the ornate furnishings made one think of the Middle Ages. I reminded myself that Eastern religion stresses ritual and piety; it knew nothing of the organized social action that is such an important accepted function of the churches and synagogues in our own society. I thought of how irrelevant this Eastern kind of religion would seem to many Americans. On the other hand, the true believers I saw about me standing reverently before pictures of Christ and the Saints were humbly seeking to contact a reality outside themselves through ritual and contemplation—seeking the same reality we Western Christians profess to seek in good works and social action. And I remembered that the Russian believer, after his contemplation, goes from worship into a world in which the state takes full responsibility for progress toward social and economic goals, whereas the Western Christian too often goes out of the church into a competitive society that pursues materialistic goals—he is seldom challenged to act in accord with the great Christian commandments in his everyday life.

Our system arose from one set of historical circumstances; the Russians' from another, but it seemed to me then, and it seems to me now as I am writing this, that we are moving closer together. In this country the government is taking ever increasing responsibility for the general welfare of all, while from the Soviet Union come reports of increasing degrees of freedom. Surely with tolerance, patience and a genuine feeling of brotherhood, we should somehow be able to achieve a peaceful coexistence in which the principles of freedom, responsibility and cooperative planning can be practiced by all.

Music from a distant choir, impressive and enchanting, interrupted my musings, and I saw that quite a few people had entered. There were a few children, but most were middle-aged or old. Young people were conspicuously absent, and I wondered how much the fact that this was a working hour of a week day had to do with that. There were no seats; the worshippers stood, some attending closely when the priest began to chant the service, others absorbed in individual worship or making their devotions at the icons. A woman moved quietly among them with a large tray on which offerings of rubles were placed. At a given moment, most of the worshippers formed a line to pass in front of the priest while he administered a sacrament.

Later, in order to learn more of Soviet religion, I asked one of our interpreters, a young woman whose name was Sweetland Litvinova, but whom we had learned to call "Sweet," if she would arrange an appointment for me with the head of the Russian Orthodox Church, the Metropolitan Nicolai, whom I had met at the Peace Congress in Warsaw. I hesitated when I asked her, for "Sweet" was a militant and argumentative atheist and had done her best to convince me that Jesus was no more than a myth. I needn't have worried. She arranged the meeting without demur and obligingly translated for me during it.

In answer to my questions, the Metropolitan told me that the church was supported by its members, supplying its own money for training priests, paying salaries, etc. He said the church was growing, not in terms of membership but in the sense that membership now meant more because it was voluntary, whereas under the Czars it had been compulsory.*

"Does the government carry on a program against the church?" I asked.

His answer was an emphatic no. He explained that freedom of worship is guaranteed by the Soviet Constitution. But freedom to organize atheistic societies is also guaranteed, and it is these societies, he said, that attack the church. The government does not interfere with the inner life of the people, he added.

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* When the Russian Orthodox Church was admitted to membership in the World Council of Churches in November, 1961, it claimed 50 million believers in the Soviet Union, served by 30,000 priests. It was at that time maintaining eight theological schools and six seminaries. There were fifty-five churches in Moscow. Maurice Hindus' book *House without a Roof,* published in 1961, describes the growth of the Baptist Church in the Soviet Union. He states that the Soviet Baptist membership is second in numbers only to the U.S. Baptist membership.

"May the clergy criticize the government?" I asked next.

Criticism is the right of every Soviet citizen, he replied, and the church participates in criticism. He added that to the Soviet citizen criticism means, "How can we do things better?" not advocacy of a different social order. The church, he explained, teaches love of labor and duty toward humanity; it prepares the true believer for life as a good citizen.

My interview with the Metropolitan gave a different impression from that made by the conversation I had had with a group of Moscow professors. They said that while they did not regard religion as superstition, they considered it a backward ideology that had outlived its usefulness. It was studied as a "world outlook," a study compulsory in philosophy courses. They assured me that education now is based on scientific principles, but that historians have regard for the social significance of religion and consider that at certain periods it played a progressive role, for example in the tenth century, when Christianity was introduced into Russia through contact with the Byzantine Empire. By the time of the Revolution, however, they explained that the church had become the instrument of an oppressive state. One professor summed up the prevailing outlook this way: "Nobody will save us, neither God nor any hero. We will achieve our goals with our own hands."

As I review the ten momentous days in Soviet Russia I wonder at the lasting impact on my life. I have never identified any social order with the kingdom of God; man is too prone to error and sin. Power exercised over others corrupts. The cruelties of the Czarist tyranny left their marks. The desire for revenge against a class enemy is deep. It takes more than economic and industrial change, under high pressure, to make a full-orbed socialist human being. Yet I refuse to identify communism with fascist dictatorship, as many mistakenly do: for despite all its wrongs and mistakes, it does not glorify war and racism, and its purpose is cooperative living and social justice, with economic plenty, education, health, and cultural fulfilment. The extent and speed with which these goals are achieved will depend very much on the cold war and the armaments race, and at these points the American people can help, not by arrogant condemnation, but by following the teaching of Jesus to take the beam out of our own eyes so that we can see better how to remove the mote from our opponents' eyes.

If I were in prison in Russia in defiance of a law and the rulings of all the courts, from the lowest to the highest, my defenders would not have the same liberties to carry on the fight for my freedom. Bishops would not be making public declarations in my behalf. Church bodies would not be passing resolutions defending the individual conscience over the state. The editors of great dailies would not be pleading my cause. Students would not be publicly protesting in the streets and on the prison property. I would not be assuming much of the leadership in the fight by putting out hundreds of letters to my friends from my cell. I am grateful for our heritage of religious and civil liberty, and defend it, and at the same time understand why Russian traditions and history are different.

What I am saying does not depend solely on a brief visit, or on the findings of our group of nineteen, but upon considerable preparatory reading and discussion over a long period of time. It was not so much the particular achievements seen that left an indelible impression, although they were tremendous; it was the spirit, the *élan,* the hope that I felt. Remember that our visit was only five years after the close of the war. The evidences of indescribable destruction and suffering were still plainly apparent. The longing for peace was interwoven with the conviction that only a new social order would be the foundation of a warless world.

This longing was brought to our attention again and again. I shall never forget one deeply moving ceremony. Just before we stepped into the plane that was to take us from one of the stricken cities, a woman strong of frame, who headed the corps of women builders in the city, presented us with three small boxes for a peace exhibit at home. One contained a sample of the "blood-drenched" soil on which we had trod, the second a fragment of stone from one of the ruined buildings, and the third a small quantity of wheat grains, with a whole head of wheat lying across the top, a symbol of the city's return and the hope of peace. On that gray cold day I rededicated my life to peace.

As a Christian I must ask whether our own history will not repeat itself in the history of communism. B. C. Plowright in *Rebel Religion* asks whether "the primary impulse of the new communal adventure once past, the old instincts of self-assertion, pride and greed will not reassert themselves." This friendly critic goes on to say that "communism must find a spiritual basis for its material practice, and Christianity must find a material expression of its faith in God." "Without these," he concludes, "communism is likely to be numbered among the many social experiments which have had a brief flash of moral glory and then withered away, and Christianity will be but a barren fig tree, full of leaves, but no fruit thereon. Each possesses the element which alone can make the other fruitful."

Thus, driven by a deep longing for a peaceable co-existence, I must try to understand the emotional, historic and ideological grounds of revolution and pray that my country, in adjusting itself to basic changes in the world, will once again experience the moral glow that we associate with its brave beginnings.

In any case the relation between peace and social planning for the people became clearer, whether we think of the Russian people or the people in our own country. The billions that go for implements of destruction cannot go to social welfare. The effects of the war budgets of the world are painfully revealed in the neglect of education, health, housing and the harnessing of rivers that, instead of destroying people and devastating homes and lands, might contribute to comfort and happiness. The wealth that goes down the drain in a fruitless effort to contain revolutionary movements all over the world might better be used to set up a shining example of democracy here at home and to help underdeveloped countries that have been inspired by the ideals and concepts on which the United States was founded.

[CHAPTER THIRTEEN]

I came home in December, 1950, to find myself the spinning center of a tornado, one of the tornadoes spawned in the panic storm that culminated in what has become known to all the world as McCarthyism.

A meeting of the Religion and Labor Foundation Board was called for January 21, 1951, in New York, to discuss my actions. I drove down from New Haven with Dr. Witherspoon Dodge, a Southern Presbyterian minister who had been my associate for four years, not knowing what to expect. As we sped down the highway I reviewed what I had done.

I had set out that cold November night for Sheffield, England, as a guest and observer at the Second World Peace Congress, expecting to be back home in ten days. I saw no reason then, nor do I now, why I should not have gone. Had there been time, I would have consulted the RLF Board officially, but there hadn't. I had expected some repercussions, but not the fury that awaited me. One of the Foundation's own board members, Prof. Joseph Fletcher, was chairman of the American sponsoring committee for the congress. Is there any reason why a Christian should not go to a peace conference? That things turned out as they did could not have been foreseen without a crystal ball.

My subsequent actions flowed naturally from the dismal experience at the London airport. By the time I was asked to speak in Warsaw, I was glad of the opportunity. Inspired by the spirit of the congress, my talk expressed my hope for the world in our Jeffersonian heritage and our Judeo-Christian teachings. In the name of the American delegation, I proposed that the United States and the Soviet Union enter into peaceful competition under the auspices of the United Nations to show which system could most effectively advance the general welfare over the next ten years, pointing out that such a competition would remove the threat of war and fill the hearts of men with hope. Quite critically I reviewed the situation then existing in the United States, where cold war and repressive forces were damaging the hope of peace. The wire services reported that I had addressed the congress, but reported only my criticisms, nothing of my outline of our proud and hopeful contributions, nothing of my proposal for peaceful competition.

When these reports were followed by the news that I had gone on to Russia, the Foundation was rocked. "For one who went on a peace mission, you sure seem to have disturbed the peace here at home," John Ramsay wrote me.

It is difficult for me to see what is un-American or un-Christian about going to a peace congress, even one held in Poland, and there speaking my heart, or what is wrong with going to the Soviet Union to learn what I could at first hand from the people there. If we are ever to have peace, I for one do not see how it can be done unless people can reach out of the circles of those who think as they do and make contact with people who see things differently, in an honest effort to reach a basis for understanding and respect. Surely we must go forth to meet those with whom we must be friends. "Make peace with thine enemy whilst thou art in the way with him," is a very wise injunction. How otherwise are differences to be reconciled, misunderstandings avoided? But there were those, even in the Foundation itself, who found my actions both un-American and un-Christian, others who found them unwise, and still others who found them very inconvenient.

The national office of the CIO and its affiliates gave notice that their support of the Foundation would end if I remained as executive officer. The CIO was not alone in this reaction. Our resources were meager enough at best for the work we had to do; the threat of economic reprisal, although discounted by many, weighed heavily with some, not only because we needed the money but also as evidence that my usefulness to the cause I had served for seventeen years had been destroyed.

Dr. Dodge and I arrived at the meeting a few minutes late. I was astonished to see how many were there before us. Almost everyone was present and almost everyone had been on time. I remembered wryly how often it had been hard to get even a bare quorum to attend.

At this first meeting I tried to explain what I had seen and heard in Europe. One of my critics accused me of having been mesmerized. Hypnotic states, however, usually pass off after a brief period. I think he must have been wrong, for not even today, years later here in Boscawen, has time dimmed the glow of that experience. It was for believing in peace, speaking out for peace, going to meet others who were striving for peace, that I was being brought to account. I know that dictators are sometimes able to use mass hypnotism in the cause of war and hate; I only wish there were some way of using it in the cause of peace.

The board was able to reach a decision only with great difficulty. Kermit Eby, professor of social science at the University of Chicago, later wrote for the *Christian Century* an account of the events leading up to my resignation. Kermit was one of the six members whose advice I had sought before accepting the invitation to attend the congress. He had warned me then that in these troubled times all men in the center who work for peace may be suspect. In his article he wrote that I am one of those who refuse to understand the nature of the times, that I would not accept the hard fact that the kingdom cannot be built by men whom the respectable and powerful will not accept. "And so," the article went on, "he continued to work with men whom he saw not as 'fronts' or 'fellow-travelers,' but as Sons of God, his fellow human beings. . . . But I am sure that his is the only relevant witness. He was right about the need to maintain conversation. Some day he will be proved right about the need to translate conversation into negotiation, to square the word with the deed."

Kermit was only one of the many true friends—ministers and labor leaders—who were deeply troubled by the storm. After the first meeting John Ramsay wrote assuring me of his personal regard, but adding, "I find it impossible to agree with you on your trip to Warsaw and the statement you made there. . . . You let your friends down . . . when you spoke of the sins of our nation, from your personal point of view. You failed your nation . . . in a time of crisis. What troubles me is that you do not realize this, and unless you can, I see no future with the Foundation." He closed with a paragraph that I am sure expressed the feeling of many: "I know you are going through a trying experience. Believe me, Willard, we are also. We must continue in God's love and seek God's guidance."

There were three meetings in all, but no way out was found. The board wanted me to stay on simply as a member of the board, but that I would not do. I offered to sever relations with the World Peace Council but could not agree to give up my work with the National Committee for Peaceful Alternatives, a group headed by distinguished Americans without, so far as I knew, a single Communist among them. In the heat and passion of the time, though, it had been put on the House Un-American Activities Committee's list of Communist-front organizations, and that was enough. On February 21, 1951, my resignation was requested. Even so, the entire board endorsed the tribute written by Rabbi Jack Cohen, one of its members:

"Willard Uphaus, for a period of seventeen years, faithfully and sacrificially, served the cause of prophetic religion. His leadership of the National Religion and Labor Foundation has been an inspiration to countless men and women in the labor movement and in the church and synagogue. Throughout his tenure he has sought to bring together people of diverse opinions in behalf of justice. He has been a minister of peace and reconciliation in a society of inequality and unrest.

His sincerity, gentleness, humility and human warmth have been the counterpart in character of his social and religious philosophy. Rarely have the qualities of mind and soul been so consistently expressed in a human being."

A strong minority opposed the decision to ask for my resignation. Six board members, including Bishop Francis J. McConnell of the Methodist Church, were so opposed that they resigned in protest.

It was very hard for me to resign. It had been a deep satisfaction to me to bring churchmen of various faiths and denominations together with working people and their representatives in the factories and fields, in the effort to fulfill the social teachings of ethical religion. But there was nothing else to be done. I wrote John Ramsay my hope that someone would be found to carry on, adding that "there will be no question about the movement weathering the crisis if a dedicated Board stands by a dedicated secretary." This is a good place to say that happily the Foundation did survive and is continuing its mission of bringing together religious and labor groups. It is one of the organizations that has written asking for my release from jail. Few things touched me more than this support.

In April, the nomination of lay ministers came up at the annual meeting of the congregation of my church. Following a change of residence in 1948, Ola and I had transferred our membership to the First Methodist Church in downtown New Haven, and we were not personally as well known there as we had been in our old church. There, too, feeling ran high on the subject of my speech at the Peace Conference and subsequent trip to Russia. Altogether, it was understandable that many in the congregation would be disturbed. I was on a speaking trip to the West Coast when the nominations came to a vote. I lost the renewal of my license as a local lay preacher by one vote. Ola and I continued our work in that church, and in time became members of the official board. The significance of this incident is that it was used in New Hampshire years later to support the charge that I was not in good standing in the church.

[CHAPTER FOURTEEN]

When I reached home after the third Foundation board meeting and told Ola that I had resigned, she startled me by saying, "I'm glad!" I thought of all the years she had spent in office drudgery for the Foundation—the records she had kept so faithfully, the mimeographing, stuffing, addressing and stamping, the endless reports. No wonder she's glad, I thought. But as usual Ola was not thinking of Ola. She had sensed in me a restlessness that I had not yet recognized in myself. She reminded me of how often I had found the churches timid, the labor unions bowing to the State Department's cold war policy. She pointed to the opportunity now open to me. My good, wise Ola! As she talked, the joyous realization came over me that I was now free—free to devote myself unstintingly to the noblest cause I knew, to give all my time and energy to the service of peace.

This was not, of course, a new departure for me. Since 1917 I had felt that peace was a major concern for every human being, and since early 1950 a large proportion of my work had been directly in the cause of peace. But I had always felt myself primarily a churchman, with my natural place among church groups. Even then I might have continued in this pattern if an offer of church work had followed upon my resignation from the Foundation. But the offer that came—and it was more like a call than an offer—was to be associated with another great peace congress, the congress that resulted in formation of the American Peace Crusade.

For the next two and a half years I was caught up in this great movement, the war in Korea lending a terrible urgency to our cause.

The July, 1951 congress, like the 1950 Mid-Century Conference, was held in Chicago, but the sponsorship differed from that of the earlier Chicago meeting. It drew from wider elements in the American community. More than 4,000 delegates came from the far corners of the land—young people, over a thousand; Negro people, over a thousand; farmers, hundreds of them; trade unionists by the hundreds; housewives, mothers, veterans, ministers, teachers. The congress had the odor of America, the smell of the kitchen, the cotton patch, the foundry, the schoolroom and the church. It *was* America. We marvelled at the way the money was found and the distances covered. In the sectional meetings to discuss how peace can be waged among youth, workers, women, Negroes and in the whole community, the ordinary folks took over. Hundreds who had never thought of themselves as public speakers found their voices and returned home flaming new lights in our common campaign for peace. The delegates in their Statement of Organization said, "This great American People's Congress for Peace is another of many eloquent demonstrations of the fact that millions of our fellow Americans, from different walks of life and with different views on many other things, hope and pray for peace and are eager to organize in order to achieve it."

This momentous gathering resulted in the formation of the American Peace Crusade. When I was asked to serve as co-director of the Crusade with Thomas Richardson, a Negro labor organizer, I gladly accepted.

I knew that the Crusade's main strength and most of its slender resources came from people outside the religious fold. But I also knew that all who sought peace, whatever their religious or political loyalties, were welcome to join the Crusade. As for me, if the Communists were among them when so many people and organizations that ought to be speaking out and working for peace were sitting on their hands in silence, then I would work with the Communists. The question for me was, as it had always been: Does this objective, and the program for achieving it, fall within the framework of my religious thinking and experience? Each of us must face that question sooner or later.

Our work was endlessly complicated by the fact that we were at war in Korea. Once a commitment to war has been made, any person or group that opposes the government's policy is automatically vulnerable to all kinds of irrelevant attacks along with the honest opposition. I took comfort in the memory of those who had stood fearlessly in this same position before us—Thoreau in opposition to the Mexican War, Debs during World War I, and all the others who have raised their voices when they saw that the cause in which we fought was not just or that the war was not an appropriate means to a just end.

I had no choice about my stand in the Korean War, first because of my basic belief that war can never be a solution to any controversy, and second because I was never convinced that right was on our side. I studied the record carefully, for I found no comfort in doubting my country's role. More significant than the argument over which side struck the first blow seemed the argument of provocation. Just as Spain had been a preliminary to World War II, during which the Fascists practiced for the war to come, so Korea came to represent a deepening world conflict between contending sides. The one irrefutable finding, it seemed to me, was that the weight of justice was on the side of those defending their homelands against a power that to them was practicing the Monroe Doctrine in reverse. I knew that China had long regarded Korea as a dagger pointed at her flank. Few people could see what madness would have resulted in the United States if Florida, for instance, had been Korea, and a vast Asian military machine were moving from the southern tip toward our heartland.*

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* For extensive documentation on who was the aggressor in Korea, see I. F. Stone's *The Hidden War in Korea,* and Allen S. Whiting's *China Crosses the Yalu.*

Whatever the facts about responsibility for the conflict might have been, the American Peace Crusade was not arguing the right or wrong of our military involvement in Korea. Our Crusade was to end the fighting. It seemed to me in the face of the tragedy in Korea, a tragedy that might spread and engulf the world, we all were striving for something universal in humanity. In so seeking it was not enough to refute the deepest persuasions of another's mind; each of us had to find the reality that gave meaning to his own life. We can only find that truth, I believe, in experience. In this instance, that experience was to be had through a faith that atheists, Christians and Jews, Muslims and all others could be brought together for a common goal, whatever their persuasions might be.

Here again I found much inspiration working and arguing with these "dangerous" people who held an atheistic and materialistic philosophy of life. Their humanity and devotion impressed me. I was always being warned against them by my purist friends who had had their fingers burned, as they put it, and wondered if I would ever grow up and overcome my naivete; but they, I knew, often found it necessary in their professional or business relations to associate with atheists and practical materialists and did so without untoward consequences. One could always withdraw from activities, as sometimes I had done—withdraw, though, to try again. In any broad undertaking it is possible, though sometimes difficult, to determine clearly at the outset the goal and the means of attaining it. The prayer vigil, unfortunately, was one time when the difficulties persisted almost to the end.

The first test of our ability to work together came when the call to the vigil was being composed. I worked on it with an Episcopal layman who combined in his makeup religious orthodoxy and political radicalism, and with a young Jewish businessman who was a Marxist and a humanist. We had a friendly discussion on the form and content of the call, the kind of discussion that will have to be multiplied a million times if we are to bridge the gulf between those two segments of humanity that broadly seek the same goals.

The call to the vigil, as it was finally worked out, was a simple statement that since war is contrary to the principles of brotherhood, the people should be given opportunity to express their "firm conviction" that the continued bloodshed was evil and hopeless. They should unite to urge that the nations involved make a real effort to bring about an immediate cessation of warfare, to stop further human slaughter. The statement concluded:

> With firm faith in the will of the people, under God, to achieve a peaceful world, we call upon men and women of all persuasions to meet with us in fellowship to discuss soberly, charitably and without fear the means of establishing peace, and to ask the guidance and blessing of the Father of all upon our efforts.

A special appeal to the Jewish people was also prepared—a beautiful leaflet, "Shalom is the Cry! Shalom! Peace in Korea is the first barrier against the tide of war that threatens the world!" It urged all to join together, while celebrating the year 5,712 of the Children of Israel, and to reaffirm the commandment, "Thou shalt not kill."

Several of us together wrote a prayer petition, to be distributed at the three meetings and taken home to be signed by entire families and sent to President Truman. Determining the nature of prayer and what should be said at this time gave us another opportunity to share our inmost experiences and convictions. "Oh God," our prayer read, "it is our young who are being turned into merciless killers, on the path of hatred and death. . . . Forgive us our failure to use our heritage of justice and freedom, and our abundance and productivity, to bring peace and good will."

Back of that prayer for forgiveness was the knowledge that our airmen were dropping jellied gasoline on Korean villages, and burning alive innocent women and children, hopelessly caught in that terrible struggle.

Soon after the call for the prayer vigil was issued, pressures were brought on some of the ministers who had set out with us, and they withdrew.

One leading minister, who wrote to dissociate himself, did so, he said, because persons we had enlisted were not those who were "potent" in religious affairs, such as they would have to be if we really wished to influence the government and the State Department through a religious gathering. He *was* a person who would have impressed the policy makers, and moreover, had he stayed with us, others who were "potent" might have joined.

When a second and a third resignation came in, I was shaken. These were the very men to whom the church world would listen. The first minister who resigned was one to whom I had long been deeply attached, and I poured out my disappointment to him. He was one, like so many others in ventures like this, who hesitated and did not find the time to come to committee meetings, where we threshed out difficult problems and policies, and then, having taken no part, found he was not in agreement. There were those, I reminded him, who came faithfully and stood firm, and none were more faithful than the Negro ministers on the sponsoring committee—they and Rabbi Max Felshin, who at the time had all the obligations of the Jewish New Year observance on him.

The prayer meeting, I wrote the minister, was to include all of God's children, though some might be politically erring. "I don't know whether some of those who are to speak pray or not," I went on, "but I deplore anyone's making a judgment that they are unable to pray, or that they should not be in a meeting where others practice prayer. God lets His sunshine come down on the just and unjust."

To me the work for peace transcended the differences that keep people apart, and the pain that goes with honest efforts to work together was part of the price I was willing to pay. Now Korea was taking both American and Communist lives, and we, who should have been doing more to stop the slaughter, were sitting frightened and distrusting one another. What made the tragedy the greater was that the country was enjoying the prosperity of a war economy. From that day until now I have prayed that somehow Americans might learn the anguish of modern war without suffering it directly. When I observe the intransigence of nations today, I fear that this prayer may not be answered.

In the presidential campaign of 1952, we had the satisfaction of seeing the entire country respond to Dwight Eisenhower's promise to go to Korea and try to end the fighting there. We felt we had earned at least some part of the credit for the sharp crystallization of that response.

We also called for recognition of the People's Republic of China. After all, whether we like it or not, the Peking government controls a great country with more than 600 million people. We felt then, as many of our allies felt then and as our government is beginning to see now, that mainland China must have its place in the United Nations if that organization is to be an effective force for peace.

We wrote letters and circulated petitions. We set up demonstrations and public meetings warning against the danger of atomic warfare. We urged disarmament. We invited ministers and trade union leaders to take part in our activities, and tried to build up friendly relations with minority groups and other peace organizations. We worked with state and city peace councils all over the country, and we strove to resist the rising pressures for a preventive war to "show the Russians who is boss."

I learned a great deal about group discipline and social action, and about what staff dedication can accomplish. The pay necessarily had to be mainly in the satisfaction of the cause. I shall never forget one Friday afternoon when seven of us had $147 to distribute among us, as the week's wage. Some had families, with debts and obligations. So then and there we allocated the money on the basis of necessity. We were Christians, Jews, atheists; pacifists, Marxists, labor union members; white and black. The sharing experience always seemed like practical Christianity to me. Much of my reward came from the friendships I formed, and the spiritual reinforcements they brought then and are still bringing now. I came to know and respect Dr. Royal W. France, eminent educator and lawyer, the Crusade's legal counsel, who was later to play such an important part in my life. I am especially grateful for the experience of working with Tom Richardson. He had come into the Crusade partly because for him the cause of peace was associated with the struggle of his race to be free of exploitation and discrimination. His intelligence and leadership were matched only by his warmth and other rare human qualities. Tom gave me new insight into the quality of leadership arising among the Negro people in our country.

In 1953 we organized a Citizen's Lobby for Peace, which met in Washington on June 25, the third anniversary of the Korean War outbreak. The Lobby met to reinforce the hope of peace that was in the air, to urge the Congress to back to the utmost the efforts of Prime Minister Churchill, Premier Nehru, Pope Pius XII, Premier Malenkov and our own President Eisenhower, toward a negotiated settlement in Korea. The Lobby also supported the Bermuda conference of British, French and U. S. leaders in preparation for talks with the Soviet leaders.

Most of the criticism aimed at the American Peace Crusade was predicated on the fact that there were Communists in the organization. Even now I find it impossible to understand why that circumstance should damn us. We were demanding a truce in Korea not because that was the Communist position, but because we were human beings concerned with the welfare of our own country and of all mankind. It appears to me not only unconstitutional and un-American, but also slightly idiotic, to say that because the Communist Party takes a position in favor of peace everybody who rejects Communist ideology must immediately abandon that position.

In the American Peace Crusade we did not know or seek to know whether our supporters were Communists—Communists, non-Communists or anti-Communists, they were welcome as long as they were willing to work for peace.

The world's nine leading scientists, headed by Albert Einstein and Lord Bertrand Russell, expressed our feeling exactly in the statement they issued which read:

> We are speaking on this occasion, not as members of this or that nation, continent or creed, but as human beings, members of the species man, whose continued existence is in doubt. The world is full of conflicts, and overshadowing all minor conflicts, the titanic struggle between Communism and anti-Communism.
>
> Almost everybody who is politically conscious has strong feelings about one or more of these issues; but we want you, if you can, to set aside such feelings and consider yourselves only as members of a biological species with a remarkable history, and whose disappearance none of us can desire. . . .
>
> We have to learn to think in a new way. We have to learn to ask ourselves not what steps can be taken to give military victory to whatever group we prefer, for there are no longer such steps; the question we have to ask ourselves is, what steps can be taken to prevent a military contest of which the issue will be disastrous to all parties. . . .
>
> Shall we . . . choose death because we cannot forget our quarrels? We appeal, as human beings, to human beings; remember you are human and forget the rest. If you can do so, the way lies open to a new paradise. If you cannot, there lies before you the risk of universal death.

This noble expression from such an unimpeachable source helped us to endure the misunderstandings, the violent attacks, and the petty persecutions we met from many sides. Typical of one kind of frustration was our experience with the State Department on one occasion. Twelve of us had an appointment to discuss the Korean situation with an official there. We arrived and were seated at a table under the eye of guards and observers. Some time later a functionary—not the one our appointment was with—arrived. He made no apology for being late, but took his seat at the end of the table and listened to, or rather endured, what we had to say. He showed no feeling, nor gave any evidence that the pleas we made had been noted. We were simply tolerated, a nuisance, he made it clear, cluttering up his official day. His manner even implied that we had some ulterior motive in asking for an end to the carnage in Korea.

Peace in the form of a truce was eventually made, of course, and the less said now about Korea the better. Let us hope we learned some lessons there, that the blunders and the sacrifices were not entirely wasted.

Although there were many times when we felt completely frustrated at the American Peace Crusade headquarters, we must have been effective, for we attracted the attention of Attorney General Herbert Brownell. He asked that our organization be required to register as a Communist front. We were, his petition said, "substantially directed, dominated and controlled by the Communist Party, and . . . primarily operated for the purpose of giving aid and support to the Communist Party." He followed this allegation with a succession of other false charges, including the entirely unfounded charge that we had gotten money from and contributed money to the Communist Party.

We had no funds with which to fight the long legal battle to have the Crusade taken off the Attorney General's list, and we decided that what funds we might collect for this purpose would be better used in the cause of peace, or perhaps devoted to repeal of the McCarran Subversive Activities Control Act of 1950, under which the right to organize was being so blatantly suppressed. For these reasons, and with the advice of Dr. France, the Resident Board of the American Peace Crusade voted to dissolve.

Before giving up, we reviewed our stand in a long resolution refuting the Attorney General's charges. The demand for a truce in Korea, we said, was an American position, upheld moreover by people of all shades of political opinion throughout the world. The supporters of the Peace Crusade held their beliefs not as Communists or anti-Communists, but as human beings concerned with the welfare of our country and all humanity. We reminded the Attorney General that positions must be judged officially not by whether Communists take them, nor even by whether they are right or wrong, a question involving differences of opinion, but only by whether or not they seek to attain their objective by legal means rather than by force and violence. He had no legal right to judge us on any other grounds.

"We cannot but consider this action of the Attorney General as a step to foment the hysteria which has been a shameful part of the cold war," our statement read. "The ending of hysteria is a necessary part of achieving a full relaxation of international tensions. The American Peace Crusade does not wish to submit to a process which, by augmenting hysteria and increasing intimidation among peace workers, would hurt the cause of peace to which we are devoted."

And so we disbanded, and once again my life reached a stopping place.

In 1952, after what seemed almost four different incarnations—my boyhood and teaching years in Indiana, graduate study and teaching in the East and South, seventeen years of coordinating labor and religious work, and the strenuous efforts for peace I had just completed—I was nearing what would generally be considered retirement age. As it turned out, however, the most significant chapter of my life was just beginning. All I had done until now was in reality only preparation for the work that lay before me.

[CHAPTER FIFTEEN]

On a hot August evening in 1952, Ola and I drove to World Fellowship Center in New Hampshire for the first time. In a desire to learn more about World Fellowship I had accepted an invitation to speak. We little knew that evening that in less than a year we would be permanently associated with the movement.

However, Dr. Jerome Davis, the man who had helped me find my bearings in 1934 at another critical period in my life, had again been taking a hand. He and George Ackerly, one of my classmates at the Yale Divinity School, were trustees of World Fellowship. Knowing that Charles and Eugenia Weller, the founders of World Fellowship, were then in their eighties and were looking for someone to whom they could entrust their mission, they had spoken to the Wellers about Ola and me. I had been invited to speak at the Center as an introduction.

We turned off the highway onto a country road four miles north of Chocorua, New Hampshire. As we traveled up mile-long Fellowship Road, bordered by stately pines, we began to feel the extent and beauty of this forest-lake-mountain haven. We came to Lloyd Lodge, a large rambling structure with spacious porches all around that was really two old farm houses put together. Here in a large social hall with beamed ceiling and huge fireplace, we met our hosts.

Charles Weller was a big man with a commanding presence. He could, we had been told, be stern enough when there was need, but he greeted us with his habitual gentle, introspective air. Eugenia Weller, every inch of her tall, aristocratic figure belying her eighty years, welcomed us warmly. They seated us on the west porch, where Mount Chocorua, its pinnacle towering high and bare above the timberline, formed a majestic backdrop for the World Fellowship Center.

We learned something of the history of these two remarkable people, pioneers in social work of the Jane Addams era. From 1896 until 1910 they had worked for nationwide programs of slum clearance, improved housing, social settlements and public plyagrounds. I had seen Charles Weller's first book, *Neglected Neighbors in the National Capital,* with its introduction by President Theodore Roosevelt. Charles described the book as the record of his "development-through-expression of a growing social consciousness." In those years before the quota system, immigrants arrived here by the tens of thousands each year, often with nothing but hope to get them started—no money, no friends, unable to speak English, they were prey to every kind of disaster and exploitation. Together the Wellers had worked to help these bewildered people become a part of America and to open for them the opportunity to make their contribution to their new country.

The Wellers had combined this work with immigrants, their work among the Negroes, and their other endeavors into an organization called the League of Neighbors, which joined forces in 1924 with the Union of East and West. Kedarnath Das Gupta of India, who had started the Union in London in 1909, brought it to the United States in 1920. Not long after these forces had joined, the Wellers carried the work one step further by establishing a World Fellowship of Faiths, an organization to promote religious unity through contact between representatives of all living faiths.

Charles Weller's unorthodox definition of faith made it possible for World Fellowship to include people whose beliefs fell into no conventional religious category. A faith to him was "an idea or set of ideas that moves considerable numbers of people to work for the solution of world problems, such as antagonistic nationalism, prejudice, poverty, hatred, fear, persecution—and war." He knew that there was a Divine Power that could help shape the destiny of man, a Power he called the Good Life Universal. It was his simple but profound conviction that the people of the world could be friends, given the opportunity. He and Eugenia had dedicated themselves to providing that opportunity.

The Wellers told Ola and me about the first achievement of the World Fellowship of Faiths. It was a series of meetings held in Chicago during the Century of Progress Exposition in 1933 and 1934. Spokesmen of various races, nationalities, faiths and convictions, 199 in all, addressed those meetings. Charles Weller showed us with pride the thick volume in the World Fellowship library that preserved their words. He had hoped, he told us, to have a Communist among the speakers, to explain the faith of communism as it was being worked out in the Soviet Union, but this he had not been able to arrange. Instead, Bishop William Montgomery Brown of the Old Catholic Church of America had presented the subject.

As the sun disappeared behind Mount Chocorua, we heard the story of how the Center came to be located here. The Wellers had been carrying on the work from their home, hoping all the while to find a suitable site for a center. One day in 1940, Charles, led by an inner voice, had gone to the summit of Whiteface Mountain near Wanalancet, New Hampshire, for ten days of fasting and prayer. When he came down from the mountain he went straight, as if guided, to a 300-acre property known as the Draper Estate, which was for sale. He immediately made inquiries and found that the price was $3,000. A reasonable price, surely, especially since the agent agreed to accept a down payment of only $500, but where in the world was he to get the money?

The Providence that had led his feet to the property led him to tell a friend in Chicago, Lola Maverick Lloyd, about it. Mrs. Lloyd contributed the down payment. The lodge where we now sat had been named for her. With that start the Wellers and their organization went to work. By the next summer, 1941, a general invitation had been issued for all who would to come and share the Good Life Universal at World Fellowship's glorious mountain center.

Both Wellers were in their seventies when the Center opened. They had a struggle to keep it open during the war years and the even more difficult years that followed. They conceded nothing to those who, under cold war pressures, would set up "purity" tests. They welcomed everyone who came, without distinction of race, color, nationality, faith or political conviction. Conservative or Communist, black, white or yellow—it made no particle of difference at World Fellowship. When I asked to whom World Fellowship belonged, Charles Weller replied, "It really belongs to the people." He saw in the progression from "my" to "our" an enlargement of life. *Our* groups, *our* resources—were not to be used to shut out others, but to include them.

Ola and I will always remember that first evening at World Fellowship. Eugenia read two of her matchless stories about experiences with the foreign born that comprise the first half of the Weller book, *The Good Life Universal.* Then I spoke on the subject, "Jesus Haunts Me." My effort to relate Jesus and his message to the sins of poverty, race discrimination and war, and to the changes going on in the world, brought on the kind of intense, friendly discussion that endeared the place to me.

We departed late that night. The following February, when I visited the Wellers in St. Petersburg, where they had gone to spend the winter, they invited us to come to World Fellowship in the summer of 1953 to find out how our relationships would work out. Happily, that summer we were to assume more and more responsibility, and I had the feeling—which I am sure of now—that this was the work to which my life's experiences had been leading.

The first summer 253 guests came to the Center. The attendance doubled during the next few years, and still continues to grow each year. Who are these people? We have students, artists, writers, teachers, ministers, doctors, nurses, taxicab drivers and automobile workers; mothers, fathers and children. They come from everywhere, some from the deep South, some from California, some from the other side of the world. There are Japanese and Egyptians, Indonesians and Israelis, Yugoslavs, Czechs, Filipinos and Russians, and Africans. Our visitors may include Hindus, Buddhists and Moslems. The happy living together summer after summer takes on something of the spirit of the worldwide oneness of the whole human family.

How do they find their way to World Fellowship? We run a few small advertisements, and write and speak directly to groups that show interest, but mainly people learn of us by word of mouth.

Others come by chance. One night the door opened on the troubled face of a Negro doctor. He was driving his family from Canada back to Washington, and growing a little desperate about a place to stop for the night, when he saw our sign, ALL RACES WELCOME. He jammed his foot on the brake, backed up and turned into our road, acutely aware that such signs do not always mean what they say but forced by his need to take the chance. Relief flooded his face when he discovered that the welcome was genuine.

Among those who come are philosophical materialists—Marxists and atheists—but they wouldn't be drawn to World Fellowship if they were not humanists with a real concern toward those who suffer from discrimination and exploitation, or dedicated peace workers who believe we should topple the walls that separate people and work together to save all from annihilation. Some are skeptical, but generally the doubt and uncertainty that rides in with them disappears in a few hours.

Their opposites, those on the right of center, usually tell me at first, "I feel like a stranger—I don't really belong here." But when they find that they are met with positive convictions but no disrespect, no hostility, such feelings melt away. A conservative businessman last year stayed through a long discussion of the relative merits of capitalism and socialism, and found to his surprise that he enjoyed and was stimulated by it. Some conservative people have come for a day out of curiosity and ended by staying a week or more.

This crossing of ideological barriers is often illustrated. To spend even a few days in such an atmosphere, a guest wrote, is to have one's faith in the future re-affirmed, for if such a sense of fellowship can grow so quickly in the group of erstwhile strangers at Conway, then it can also flourish in the entire world. Another wrote that among the fine memories that stayed with him the paramount one was the spirit of kindliness and human camaraderie that pervades the atmosphere of World Fellowship. This spirit was a source of gratification to him, he said, in the light of the mistrust, cynicism and petty meanness that are current in human relationships in this day and age. "Although my own philosophy and experience differ in method of solution from the tenets and program of World Fellowship," he added, "the ultimate goal of brotherhood and peace in your faith is, likewise, the essence of my own strivings in this life."

What is World Fellowship? It is basically an experience. It is an answer to a deep human need in our time. In a world like ours the sense of the wholeness of the human family is hard to retain. We are just bodies in physical juxtaposition without any feeling of true togetherness. The life around us is a turmoil of uncommunicative fragments of humanity. We are alienated from one another, and from the larger world around us. A theologian speaks of our problem as the blight of the new poverty—a kind of starvation for meaningfulness and purpose in life—a disease that actually develops serious handicaps and physical aches. It creates a new type of slum in all walks of life. It is responsible for hostilities, guilt complexes and fears, for boredom, loneliness and half-sick existence.

To Ola and to me World Fellowship is, in the highest sense, a religious work in that it reaches toward the essence and purpose of the universe, the divinity beyond ourselves, that we are trying to lay hold of and translate into the life of the world community. Science and technology—stores of knowledge—are needed in building this community, but the plan is better known intuitively through love of men, women and children. The Fellowship's reach is both transcendental and human, both universal and particular. It knows no bars of sex, age, race, color, nationality, faith or politics. Its purpose will not have been fulfilled until the hungry of the world are fed, the homeless have shelter, the illiterate have schools, the sick have medical care, and until none need fear to grow old. It will not be fulfilled until all are employed at useful and creative labor, with adequate compensation, and until the earth's vast resources are used to build a peaceable and friendly existence for all people.

I have no faith in those who say they love God, if they do not love people. A vibrant humanism surely is the prime foundation for whatever more there is of religious experience.

World Fellowship draws strength from spiritual contact with the age-old aspiration of humanity. It seeks to embody the teachings of social righteousness of the eighth century prophets of the Old Testament and of Jesus. It is not unaware of similar strivings of all living faiths, nor of the cosmic and social dimensions of the still unfulfilled prayers of the ancient seers. An ancient Sanskrit prayer taken from *Rig-Veda,* written nearly four thousand years ago, asks:

> May He who is without second,
> who is beyond all distinction of color and creed,
> who, knowing all our needs meets them with His manifold powers;
> may He who is in the beginning, in the middle, and in the end;
> may He unite us in fellowship and understanding.

I believe firmly that many who disclaim religious experience may nevertheless have it, expressed in a reverence for something that transcends themselves. What they call their unbelief, I believe is really rebellion against religious patterns that conflict with scientific discoveries and economic realities that characterize our time.

From this description one might conclude that what we do at World Fellowship is to sit and wait for flashes of insight, or to isolate ourselves from the realities of life. To some extent we are of course away from everyday problems, as vacationers should be. But anyone who came to the Center expecting to find a queer lot of human beings would soon have his mind changed. People there are having a good time —hiking, playing games, swimming, boating, planning excursions, and the like. They eat together, family style, the bountiful meals planned by Ola. Three evenings each week they gather in the big room of the lodge after the evening meal to listen to a speaker and take part in the discussions, if they are so inclined. One evening is "free," when guests may attend plays at nearby summer theaters, take part in games, read, listen to music, or converse around the fireplace. Friday nights are "fun" nights (and it always surprises me how much talent invariably turns up among the guests). Sundays guests may attend Quaker meetings in Center Sandwich a few miles away or take part in vesper services, when a minister or some other person speaks about his faith and its relation to the world's unsolved problems.

No account of World Fellowship would be complete without reference to the many children who come. They feel that they belong, that they are a part of our big family. There is no closely scheduled program for them, but they have no trouble in creating their own diversions in that place. They figure at "fun night" with skits, singing and dancing, join with the teen-agers in music and folk dancing.

Each week we grapple with some national or world problem, well-informed men and women leading the discussions. Perhaps someone taking part in the struggle for freedom in the South directs the group, or someone from Africa. Or it may be a union leader from Detroit explaining automation, or a lawyer leading a seminar on civil liberties. We have people who have lived and studied in China, the Soviet Union, Cuba and South American countries. Wherever things are happening we find someone at World Fellowship with first-hand experience of that place. Out of all the ingredients comes what one guest has described as "a pure, vital and creative thing of tremendous value."

One can never disassociate our humble and rustic dwellings from the spirit that pervades the Center, for they, with their furnishings, have taken on a special atmosphere. The first to be seen after one turns onto the country road is the Weller House, an old white farmhouse built low to the ground in deference to New Hampshire winters. Up the road some 500 feet, off to the right, is another farmhouse, typical, too, of New Hampshire, in that the house and stable were built together. Across the way is the cottage that was originally the carriage house, with six guest rooms and a social room with fireplace. In that immediate area there is now a brand new building—a 30 by 50 recreational hall, so constructed as to belong to the World Fellowship setting. Hidden in the forest and reached only by a trail beginning at Lloyd Lodge—a mile up the road from the highway—is Whitton Pond. Whitton Pond, a mile in length, is a quiet and peaceful haven for those who enjoy water sports or to be alone with their thoughts.

Our reach always exceeds our grasp; the twelve weeks are never long enough to cover as much ground and include as many people as we wish, or to accomplish the projects we have in mind. Not in our time, perhaps, but some day, Ola and I hope there will be a road to the top of Pine Hill, an 1,100-foot elevation on the property that can be reached now only by intrepid climbers, where there is an inspiring view of the full sweep of the Presidential Range—Mount Washington, Mount Adams and Mount Jefferson. Our dream includes a fine lodge on that summit, a conference ground that could be used year-round by those seeking the Good Life Universal. Most of all we want to establish other World Fellowship centers here and abroad.

At the end of our first summer, in 1953, our thoughts were building up along these lines while Ola and I were closing the place for the winter. All the guests and most of the staff had left; Charles and Eugenia had departed for Florida; the majesty of the setting was heightened by the prevailing quiet that descended. The leaves were beginning to take on their brilliant fall colors, and there was a clear sharpness in the air that was almost intoxicating. It was a time for reflection and hope, and we were savoring it to the full.

One morning I drove into Conway to do some errands and get the newspaper. We had been watching the newspaper eagerly for some weeks. A reporter from the Manchester Union-Leader had presented himself at the Center about the middle of the season, saying he wanted material for a feature article on World Fellowship. Charles and I gladly gave him all the information and literature we could, showed him around, and included him in some of our activities. Now that the summer was ending, we thought surely the story would appear, and it was with a pleasurable excitement that I walked into the little news shop and asked the proprietor for the paper. To my surprise he said there was none for sale, despite the fact that a large pile was plainly in view. He followed my glance, and said that those were all reserved. I lifted a copy and took a look at a prominent headline, and immediately the reason why all were reserved became clear: PRO-COMMUNIST TAKES OVER WORLD FELLOWSHIP.

Stunned, I left the store and drove straight over to the deputy sheriff's house. I had met him several times and knew him to be a friendly, genial sort of man. I found him at home and blurted out a question about the headline I had just seen, telling him that I hadn't been able to buy a paper in the town.

"Oh, yes," he answered. "I had to drive twenty-five miles to Ossipee this morning to get a copy. That's really started something." But that was about all he could tell me.

I finally got a copy of the paper and took it back to the Center. It was our first intimation of all that was to come. The machinery that would send me to the Boscawen jail had been set in motion.

[CHAPTER SIXTEEN]

The rest of this book will no doubt seem incredible to anyone not familiar with the years described as the McCarthy Era. We all know that agents of plague lurk in any large community undetected until favorable conditions provide the opportunity for one or another strain to emerge in virulent form. Then a few cases of disease appear here and there, soon a pattern begins to take shape; the focus of infection concentrates, then the epidemic gathers momentum and spreads like wildfire through the population. After the more susceptible victims have succumbed and others have had a chance to build up some immunity, the epidemic subsides. I will never forget the influenza epidemic of 1917-1918 which swept around the world leaving 20 million dead in its wake. It seems to me now that the national hysteria that focused on the Senator from Wisconsin and spread from there to send its poison around the whole world was in many ways a similar phenomenon. We tend to think of plagues as the problems of our more primitive past, perhaps still menacing in distant, disorganized foreign countries—but all who remember the 1918 flu and the hysteria epitomized by McCarthy know that such things can happen here and now.

Epidemiologists are still puzzled by the 1918 flu, and historians are working hard to explain McCarthyism. I am not the one, nor is this the place, to attempt a definitive survey of McCarthyism. In order to explain the headlines in the newspaper that autumn day in 1953, however, I must touch again on some of the peculiar symptoms produced by that national fever.

A congressional investigating committee named the House Committee on Un-American Activities was created in 1938 to look into subversive activity from the Left or Right for the guidance of Congress in framing adequate protective legislation. Amid the headlines and hullabaloo that culminated in the Hiss trials and conviction, HUAC (to find a shorter name for the "un-American" committee) seems to have lost sight of its mission. It began to take the position of prosecutor, jury and judge with respect to alleged Communists.

The excitement stirred up by its investigations was so stimulating that HUAC began looking farther and farther afield for areas to investigate, and behold! wherever it looked, there it found mounting evidence of sinister Communist influence.

Soon Red-hunting eclipsed even baseball in popular interest. A large section of the public reacted in the way the crowds of ancient Rome had reacted to the gladiators and the lion-feeding—rough sport but exciting, and when someone in the arena was hacked or chewed to pieces—well, he wouldn't be out there if there weren't something wrong about him, would he?

Eventually HUAC turned its attention to the churches, but this posed quite a problem since of course the members of the committee themselves, along with most of their constituents, were professing Christians. It must have troubled these solemn men, determined to save their country from insidious destruction, to find that many of the activities they called Communistic were condoned, even commanded, right there in the Bible. They must have wondered how it was they had been reading and quoting the Bible all their lives without realizing what subversive teachings it held. Should they question the faith of their fathers? On the other hand, should they stand by while people went about trying to apply the Sermon on the Mount to *practical* affairs, quoting Isaiah's admonition about beating swords into plowshares and *meaning* it, teaching the brotherhood of man in the white Christian churches of the South? And even saying that Russians, and Chinese, too, were included in that brotherhood? Was not the national safety imperiled when churchmen and ordinary citizens tried to meet with the enemy while there is yet time and quoted Scripture to justify such subversive acts?

What were those HUAC members to do to save the country? There was that troublesome First Amendment to the Constitution which said that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Old-fashioned people thought it meant what it said. How was HUAC to correct the grievous errors of the Founding Fathers of both Christianity and the Constitution?

HUAC found a way. To warn the American people and at the same time reserve for itself enough safe Christian ground to stand on, the committee issued a pamphlet in 1948 entitled "100 Things You Should Know about Communism and Religion"; the stated purpose, "to help you protect your religion and faith from Communist attacks by showing you exactly what the Communists are up to." Disregarding the First Amendment, HUAC thus set itself up to instruct the American public on what was, and what was not, true religion.

The pamphlet named organizations. My study of the pamphlet reveals a single yardstick by which religious activities were measured: to HUAC, any religious leader willing to fight communism and identify it with the Anti-Christ was acceptable; any who found in Christian doctrine a stimulus to social action was not. Under this standard of orthodoxy, the pamphlet condemned such a large and respected body as the National Council of Churches of Christ in the United States of America, which coordinates the activities of 33 denominations with 146,428 churches and a membership of more than 40 million.

The pamphlet also named the Methodist Federation for Social Action, which it characterized as "a tool of the Communist Party . . . trying to use the prestige of the Methodist Church to promote the line of the Communist Party," but the pamphlet offered no shadow of proof to back this extraordinary charge.

I had been a member of the Methodist Federation since the 1920s. It was organized in 1907 by a group of prominent Methodists to give expression to Christian concern with social injustice and inequality. Its first president was Bishop Herbert Welch, who was succeeded by Bishop Francis J. McConnell as chairman and Dr. Harry F. Ward as general secretary. These highly respected men guided the destiny of the Federation until 1944. According to its creed, the Federation stands for social justice, the abolition of war, and the elimination of class or group discrimination and privilege. Its members are not committed to any specific program. The creed clearly states that it is "an inspirational and educational organization, proposing social change by democratic decision, not by violence."

Even after publication of the HUAC pamphlet, few voices were raised in protest. Perhaps the very magnitude of the charges caused the church rank and file to ignore them, and perhaps only the immediate victims took them seriously. In any event, there was no concerted outcry from the churches and synagogues.

Having got away with the "100 Things You Should Know," HUAC in February, 1952, ordered the printing of another broadside, this one aimed specifically at the Federation. Entitled "A Review of the Methodist Federation for Social Action," it was prepared in collaboration with the Circuit Riders, a right-wing organization directed by a Methodist layman, M. E. Lowther (who has since been reprimanded by the Methodist Church's General Conference). Meanwhile an attack on the National Council of Churches in an Air Force Training Manual drew black headlines all over the country. With popular interest at white heat, a tug-of-war developed in the spring of 1953 between the Senate Sub-Committee on Internal Security (the McCarran committee) and free-wheeling Senator Joseph McCarthy, to see who could get there first with the most sensational charges in this fruitful field of seeing Red in the nation's pulpits. Harold Velde of Illinois, head of the House committee, scored first with an announcement of a forthcoming exposure of Communist infiltration of the clergy. McCarthy retaliated with the claim, made by his chief investigator, J. B. Matthews, in the *American Mercury's* June issue, that 7,000 Protestant clergymen were supporting the Communist apparatus in this country.

All across the country, state legislatures, fascinated by the McCarthy revelations, were stung to action. In New Hampshire the state legislature, which had passed a subversive activities control act in 1951, appointed the state attorney general a one-man investigating committee to find out what subversive persons were in the state. Louis C. Wyman, the attorney general, was given $10,000, the right to subpoena witnesses and documents, and authorization to make public any information he turned up as he saw fit. This was in June, 1953. Wyman was directed to make a report to the legislature at the 1955 session.

With the publication of the Matthews charge, the churches at last found their voice. So great was the outrage that McCarthy had to run for cover temporarily. He dismissed Matthews.

Taken aback by the belated but powerful protest, HUAC emphatically denied any intention of investigating or interfering with religion. That didn't stop HUAC from taking testimony from five ex-Communist professional witnesses in July of 1953; it merely meant that the testimony was taken in secret session. The testimony did not, however, remain secret. In September, 1953, HUAC published the testimony of Herbert Philbrick, and then followed it with the complete record, including the testimony of Benjamin Gitlow, Joseph Zack Kornfeder, Manning Johnson and Leonard Patterson.

Publication of the testimony ripped aside all pretense that HUAC was not investigating religion. The five paid informers had been questioned specifically about the history, nature and activities of religious organizations, and had expressed judgments of the religious sincerity of the officers. The congressmen serving on HUAC accepted, and then published, the answers of those paid witnesses on such matters, disregarding the fact that not one of the five had any qualifications for sitting in judgment on religious matters, and disregarding the fact that the committee itself had no right to ask such questions.

Benjamin Gitlow explained that the "Communist conspiracy . . . strives to poison the minds of a religious people with a destructive atheistic ideology cloaked in the name of social action, and religious interpretations based upon the Bible that the religious agents of Communist infiltration are wont to call prophetic religion." Thus all social action, and even all prophetic religion, were neatly ticketed with the Communist label.

Another witness, Manning Johnson, made the point even more clearly, if more clumsily. Speaking of my old friend Claude Williams, Manning testified that Williams "tried to show that the Blessed Savior was a carpenter and a worker," and preached that "He rebelled against the conditions during His day," and therefore Christians today should "follow in His footsteps and rebel against social conditions in our day."

It now appeared that HUAC was not only investigating religion, it was taking sides in a religious controversy as old as Christianity itself, a controversy that can be traced back to the Old Testament prophets who lived 800 years before Christ. The dispute is between those who would hold the church to ritual and worship in preparation for the life to come, and those who would apply the teachings of the prophets to building the Kingdom of God here on earth. Did the First Amendment to the Constitution mean that a congressional committee should not take sides in such a controversy? Apparently HUAC thought not.

The five witnesses in the secret HUAC session had charged that 600 ministers were carrying out a pro-Soviet plot. The names and affiliations of 150 religious leaders, including ministers and rabbis, were given. The list included such widely revered men as the late Rabbi Stephen Wise, James Luther

Adams, John A. MacKay, Roland H. Bainton, and Harold A. Bosley.

These were newsworthy names indeed, and the press of course seized upon them.

It was Benjamin Gitlow who brought my name into the record, and it was his testimony that gave the Manchester *Union-Leader* its black headlines that autumn day in 1953. Gitlow, the *Union-Leader* trumpeted, had said that I was one of the "principal individuals involved in the Communist conspiracy to convert the Methodist Church for Communist purposes." Boxed on the front page in bold-faced type was New Hampshire Attorney General Wyman's pledge to investigate me.

According to his statement, Wyman had begun his investigation in a rather extraordinary way by asking for the loan of the newspaper's file on me. Apparently he found nothing embarrassing about asking a newspaper to help him do his job, and no compunction about using its information as a basis for his charges.

Wyman already had his list of subversives, as he proudly explained later, along with the Attorney General of the United States and the attorneys general of thirty-eight other states. The names on those lists were industriously exchanged, with or without the reasons for the listings or any evaluation of the sources of information. The fact that you had been "named" somewhere by somebody was sufficient justification for lumping you in with suspected enemies of the country.

Like many other Americans, I had been inclined to dismiss such "listings" back in the 1930s when Elizabeth Dilling's *Red Network* first appeared. It was painful to think that such things must be taken seriously in the United States. Huey Long, then Senator from Louisiana, had demonstrated an expert grasp of these tactics; he had said that fascism was coming to America, and coming under the name of 100 per cent Americanism.

It was against this backdrop that the opening scenes of Wyman v. Uphaus were played.

[CHAPTER SEVENTEEN]

The New Hampshire attorney general had broadcast his promise to investigate me. Well, I thought, why wait for him to investigate? I had nothing to hide. Why not seek him out and tell him whatever he wanted to know? No need for him to rely on newspaper files; our fellowship was for all people, and the more who know about it the better.

I put some of our literature into the car and drove the eighty miles to Concord to see this man, Louis Wyman, naively confident that we could talk and understand each other. It took me many months to realize the full extent of my error, and I must confess that even now, after all our encounters, I have little understanding of that man's mind; and I am sure that he has even less of mine.

When I reached Concord I found that Wyman was away, and wouldn't be back that day. Disappointed, I did some errands, then decided to drive on to Manchester. The reporter who had written that article for the Manchester *Union-Leader* had plenty of first-hand information about World Fellowship; I wanted to ask him why he had reported it in such an unfairly damaging way, when he knew that we were not what his article implied.

When I put this question to him, he looked unhappy. I waited. Finally he said, "Mr. Uphaus, we sometimes have to do things we don't want to do." I could only feel sorry for him.

Reluctant as we were to let this matter go unresolved, Ola and I had to get back to New Haven. We finished closing the Center and went home. All during that winter we kept expecting to hear from New Hampshire that the whole idea of investigating me had been a mistake. The occasional reports we had, however, told us that Wyman was proceeding with his one-man committee operations, calling person after person in for questioning. If the resulting publicity caused problems for the individuals involved, well, that was just too bad. The same thing was happening in other parts of the country.

In the spring of 1954 we began to nail down our plans for the summer program at the Center. Since we felt it was important to have the question of a possible investigation cleared up before we opened for the summer, George Ackerly and I drove up to Concord to see Wyman on May 3. We called first on the Governor of New Hampshire and explained our mission. The Governor telephoned Wyman to say that we were coming over.

George and I climbed the steps of the state capitol with high hopes of ending the worrisome situation once and for all. It was our intention to straighten out any misconceptions Wyman had, and to take advantage of his interest in our work by inviting him to be one of our speakers that summer. In that way, we reasoned, he could explain to us what he was trying to do and at the same time reassure himself about the Center.

On the third floor of the capitol building we were taken at once to Wyman's office. It was a long room with his desk at the far end. It occurred to me that Wyman, perhaps unconsciously, made use of one of the little tricks employed by Hitler and other dictators—we had to parade the length of the room to reach his imposing desk. As we walked toward him, I looked curiously at this man who had undertaken to investigate me. I saw a well-groomed man with a smooth face and confident bearing. He shook hands briefly and asked us to sit down.

"It seems you are interested in me," I said promptly. "I want you to know about my life and my work, and I want to invite you to come to World Fellowship to speak."

He gave a dry smile at this suggestion but didn't consider it worth a reply. He turned at once to the papers spread out on his desk, his manner conveying that he would conduct this interview along his own lines, and any attempt on my part to take the initiative would be presumptuous.

His cool arrogance, backed by a Harvard Law School degree *cum laude* and the position he held, was impervious to my sincerity, my seniority, and the fact that I had come voluntarily into his jurisdiction to discuss this situation with him. I reminded myself of my purpose in coming and renewed my determination to answer freely any question he might put about myself and my work, even though I might question in my mind his right to ask it, and might object in my heart to his manner of asking.

My refusal to behave like an apprehended criminal eventually nettled him. At one point he gave me a look as if I were an irresponsible idiot and said, "Uphaus, I can put you in jail." Perhaps I needed the warning. Secure in the knowledge that I had done nothing to harm anyone and that I was as loyal an American as any man, it had not occurred to me that my situation represented anything worse than a misunderstanding. His remark seemed to me in very poor taste, quite out of key with his expertly tailored suit and urbane poise. Nevertheless, I did realize that the interview was a waste of time.

As George and I rose to go, Wyman said, "I've had a subpoena prepared for you, which a deputy will bring in." The deputy met us at the door and there and then handed me the paper summoning me to appear for questioning on June 3.

I had lost much of my naiveté in that first meeting with Wyman. I had at least realized that he was a man out of my ken, to whom words do not have the meaning they hold for me, whose purposes were totally unrelated to mine. Nevertheless, I clung to the belief that if he could be made to understand the goals and methods of World Fellowship, in even a very limited way, he would have to recognize at least that there was nothing subversive there, and would let us alone.

It was at this point that Dr. Royal W. France, whom I had known as attorney for the American Peace Crusade, took hold, to be associated with the case all through the litigation that followed. This great American was a man after my own heart. As the son of a Presbyterian minister, he had grown up in an atmosphere similar to that of my own youth. And, like me, a respect for our traditional freedoms was deep within him. He was in his seventies at the time, and at the beginning of his third outstanding career. For twenty-three years he had been a successful corporation lawyer in New York City. He had given that up to be a professor of economics at Rollins College in Florida, where he stayed another twenty-three years. But there was no ease in Zion, as he puts it, for someone like him when men and women were going to jail and otherwise being harried in the mad suppression of their democratic rights. They needed lawyers, and lawyers were few who were willing to take such cases, with the blight of McCarthyism extending even into the courts. Dr. France—Roy—who had reached retirement age, felt that he had nothing to lose, as some of the younger men had—many a good practice was being ruined—so he came to New York and offered his services. He was associated, one way or another, with many of the legal battles of that period, so much so that his own account, in *My Native Grounds,** is already something of a historical account.

Roy answered my call for help, and from that day to this has given me his wise counsel and friendly support without stint. He came up from New York to Conway on June 2 so we could get an early start and be in Concord in time to comply with Wyman's subpoena. My best course, we agreed, was to answer any questions as fully and as forthrightly as possible, still believing that forthrightness would bring about the end of an unpleasant episode.

We found Wyman in his office, flanked by his deputy, S. W. Connor, and a stenographer. Spread out on his desk were papers which turned out to be a record of the "secret" hearings before the HUAC, along with innumerable citations regarding organizations on the U.S. Attorney General's list.

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* Liberty Books, New York.

After Roy's status as my attorney had been established for the record, Wyman recited the state legislature's resolution as to his authority to inquire into my activity "in the field of influencing human thinking and actions." He claimed the right to ask about anything relevant to any organization "on the subversive list, the Communist list, or otherwise reported by any authority of the government or other authority, which (is controlled or) appears to be controlled by Communists."

"Do you understand that?" he asked me sternly.

I was beginning, just beginning, to understand the enormity of what this confrontation was to involve. Somewhere, somehow, the record of one Willard Uphaus, or at least such facts about him as were useful to this young man, had been compiled, and it was now in his hands. And to him I was to give the justification of thought and deed over all those years. I was already guilty by virtue of my associations—that became immediately clear. It did not matter that the organizations on the United States Attorney General's so-called "subversive list" had been put there without a hearing, or that, as Dr. France reminded Mr. Wyman, the United States Supreme Court in two recent decisions* had invalidated the use of that list for purposes of implying or imputing guilt to any person in the absence of a court hearing. Despite my attorney's objections on that point, Mr. Wyman proceeded to get into the record of his investigation data that were already in the files of the HUAC, there on the table before him. From his viewpoint, one supposes, the purpose was to provide a massive buildup. That buildup of hearsay evidence could be used to convict me later, if necessary.

Wyman then proceeded to inquire in detail about my marital experiences. Not even the wide domain he had claimed included this field. Why should two innocent women, who knew little and cared less about either politics or the work I was now engaged in, be dragged into this man's net of lists merely because they had had the misfortune to marry me many years before? I could only conclude that the purpose of the questions was to disconcert me. I protested. It did me no good. Wyman curtly pointed out that "the only basis at the present time upon which the witness may decline to answer is the ground that his answer, if given, might tend to incriminate him." In other words: answer or take the Fifth Amendment. Otherwise I would be in contempt.

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* *Joint Anti-Fascist Refugee Committee v. McGrath,* 341 US; and *Wieman v. Uptograph,* 343 US.

After extracting the names and addresses of these two women who hadn't even seen me in years, Wyman threw a slight color of relevancy over questions meant only to embarrass by asking if either of them were members of the Communist Party. Of course they were not, and why Wyman had to have their names before asking this, I don't know.

His next question also took me by surprise. He asked if I were a minister.

"I am a Christian layman trained in theology," I replied, adding that although I held a Ph.D. in religious education, I had never been ordained a minister. Throughout all the subsequent proceedings, a great deal was made of the fact that I was not a clergyman. I eventually learned that one purpose of this careful distinction was to maintain the pretense that the Red-hunters were not attacking religion. Another, more specific purpose appeared later, when he made the monstrous accusation that I was using religion as a cynical disguise for subversive activity.

Wyman then directed his questions at the organizations I had worked with or supported. All during the session that day, Wyman's deputy, Conner, kept a watchful eye on his master, jumping to hand the right paper whenever a "citation" was called for. The citations were excerpts from the U.S. Attorney General's list or a HUAC report or some other list.

Roy managed to get into the record the fact that the U.S. Supreme Court, in two decisions, had invalidated the use of the U.S. Attorney General's list for the purposes of implying or imputing ill to any person in the absence of a court hearing with due process. Roy pointed out the ruling that "without scienter, the use of the list for test purposes was improper."

Wyman coolly replied that it was adequate "for the purpose of relevancy in his mind" that the organization had merely been cited, since I was not at that time on trial. In the face of this attitude on Wyman's part, I resigned myself to the fact that whatever I said or didn't say, Wyman was going to make it look bad for me, so I just did my best to answer truthfully and fully whatever he asked.

My answers gradually exposed what Wyman obviously considered my real crime. I simply could not see how peace and brotherhood are to be achieved unless people—all kinds of people—talk and work together, learn to understand each other. For anyone who wants peace in the world to refuse to talk or work with another person who also wants peace simply because the other person has different and opposing concepts about other things seems to me self-defeating.

Wyman, and the many others like him then and now, seemed obsessed by the conviction that to speak with a Communist is to adopt all of his beliefs, and that to work for an end, even such an end as peace, with a Communist is to give him control over you and further his ambition to control the whole world. A few excerpts from the record of that June 3, 1954, questioning will illustrate this basic difference between us.

QUESTION: "Did you know, when you wrote articles for it, that the *New World Review* had been cited as a Communist organ?"

ANSWER: "If I did, I think it wouldn't have mattered, because I had a message I wanted to get to the readers regardless."

QUESTION: "And you wished to use that medium rather than some other medium of circulation?"

ANSWER: "I am always glad to use any medium of circulation."

The questions involving organizations I had worked with developed a rhythmic pattern. Wyman would ask me if I had been associated with this or that group; I would answer that I had. Conner would jump up, read out the "citation" in a droning voice and hand the paper to Wyman.

In connection with the American Friends of Spanish Democracy, Wyman asked: "Did you know at that time whether or not members of the Communist Party were active in or for, or in control of, that committee?"

I replied that it was a broad group and probably included members of the Communist Party, but that my consideration was only whether or not the specific objectives of any group measured up to my own Christian ethic.

Conner read out from the HUAC report of 1944: "In 1937 and 1938 the Communist Party threw itself wholeheartedly into the campaign for the support of the Spanish Loyalist cause, recruiting men and multifarious so-called relief organizations such as American Friends of Spanish Democracy. . . ."

While Conner was reading this, my thoughts went back to the days these two men were possibly too young to remember, when the Spanish Loyalists were putting up their brave fight to defend their democratically elected government against violent attack by the military rebels. I remembered the bold support given Franco by Hitler and Mussolini. I remembered the timidity of the British, French and our own governments, with their pious policy of non-intervention. I remembered that many Americans saw in the early Loyalist reverses a re-enactment of our own Valley Forge. I remembered the joy and hope when Soviet Russia decided to provide the help that should have been but was not being provided by democratic governments. Of course I knew that things had changed since those days, but no matter what the men of HUAC might now think of Communists and the Franco government, how could they, with straight faces, cite it against a man today that he had tried to help the innocent victims at a time when Franco was overthrowing the legitimate government of Spain? Apparently the men of HUAC were blind to the inconsistency, and certainly Wyman was not the man to question their wisdom.

His question was, "In the Spanish Civil War, were you interested in the Communist side?"

"No," I replied, "I was interested in the people's struggle for freedom from fascism."

Such a distinction was apparently beyond Wyman's grasp. He ignored it.

It was easy for Wyman to establish to his satisfaction my guilt by association, but it was important to him also to show that I had advocated the overthrow of the government of the United States by violence.

QUESTION: "You made a speech at the Warsaw Conference castigating America?"

ANSWER: "I criticized our cold-war policy, not my country."

I handed him the complete text of the talk I had given; he could see there how hopefully I had spoken of the democratic forces in this country working for world understanding—if he read it. But Wyman was more interested in who had paid for my ticket to Warsaw. I couldn't tell him that; I knew only that it was the U.S. Sponsoring Committee to Secure Representation at the Second World Peace Conference.

Finally he asked me, "Does a Communist in world communism . . . not seek to destroy the capitalistic system by any means, including force and violence?" I answered that I was not an authority on Marxism, but that I personally saw no reason to believe that the Soviet Union was going to launch a war to destroy capitalism. As far as I was concerned, I told him, the question is not whether an outside power will or can destroy capitalism; it is a question of inherent contradictions in the capitalistic system that will bring about its own decline and collapse. This seems to me a very deep question, and I certainly did not feel that I held the complete answer. I told Wyman that what I advocated was democratic socialism, and tried to make it clear to him what I meant by that, citing the Tennessee Valley Authority as my idea of America at its best. I don't know what he made of that, and I am not sure that there is any difference between a Socialist and a Communist in Wyman's lexicon.

Late in the afternoon, Wyman put this question to me, advising me that I needn't answer if I didn't want to: "Do you believe that it is possible for communism and capitalism to continue to coexist in this world without eventual full-scale war?"

ANSWER: "I am working night and day with the faith that that can be consummated."

QUESTION: "Will you tell me what you advocate as a solution to that problem?"

ANSWER: "Free communication, free travel back and forth, intercultural relations, utmost patience in trying to negotiate differences, and a program of disarmament that would not disadvantage any power but would be a saving to the people."

But all Wyman could understand of this concept was revealed by his next question: "Don't we give free travel to the Russians here?"

That response to the broad idealistic program I had tried to outline seems to me the measure of the man.

The questioning went on all through the long day. I was asked about my participation in the Conference on Peaceful Alternatives to the Atlantic Pact, the American Peace Crusade, the Interfaith Committee for Peace, the American Committee for the Protection of the Foreign Born, and on down the list. Then began a long, tortuous period of questions about people I knew. Who had worked with me in the organizations? Who had signed the appeal for clemency in the Rosenberg case with me? What about the other Warsaw Conference delegates that had gone to Russia? What about the speakers at World Fellowship? Always the counterpoint of the question, the answer, the citation. What a colossal crime had been committed against the American people in the gathering of that record!

When the ordeal ended at 5:45 that afternoon, I was completely exhausted in body, mind and heart. But it was over. I was released from subpoena. Relief flooded over me at that word. I would now be let alone.

[CHAPTER EIGHTEEN]

I was released from subpoena. Ola and I could get on with our plans for the 1954 summer season at World Fellowship. We wondered uneasily if Wyman's activities would keep people away from the Center, but we needn't have worried. That summer was more successful than the one before, with attendance higher. I put all thought of my grueling experience of June 3 behind me and bent my energies happily to the work of World Fellowship.

When the summer once more drew toward its close in the New Hampshire mountains, inspiring thoughts of harvest, quiescence, planting and new growth, Ola and I were once more left alone to close up the Center. We summarized the accomplishments of the year, and again our minds turned to the future. Talking thus on the porch of the lodge on September 10, 1954, we looked up to see a deputy from Wyman's office coming toward us. A foreboding came over us when we noted that he had a paper in his hand.

Sure enough, the paper was my second summons from the attorney general. It differed from the first, for this time I was commanded not only to appear, but to bring with me our guest list for the summer, information about the staff, a list of the speakers and files of my correspondence with them, and any letters and documents I might have that showed "any connection with organizations that had been listed as subversive by Federal authorities," or any connection with the Communist Party.

As the deputy walked away, Ola and I stared at each other. Without saying a word, we both knew that these new demands could not be met.

I had gone voluntarily to seek out Wyman as soon as I had seen the newspaper announcement that he wanted to investigate me. I had returned voluntarily to his office on May 3 to answer any questions he might ask about myself and my work. I had answered his first summons with complete willingness to explain what I had done in the cause of peace and why. What had been the result? I had been harried, pilloried and branded. My actions, and my motives, had been publicly misconstrued. Now I was ordered to bring a list of the names of all the people who had come trustingly to the Center. I was ordered to expose those people to the treatment I had sampled.

To Ola and me the attorney general's demand was instantly improper and repugnant. To expose the good, law-abiding people who had been with us at World Fellowship would be a degrading thing to do.

World Fellowship was not religious in a formal sense, nor attached to a conventional faith or denomination, but to us it was religious, as I have tried to explain. It was like many a prophetic venture in the past; it had come into being to meet man's need. The times called for world unity and world consciousness, and World Fellowship was dedicated to that purpose. It was helping, in however small a way, to overcome the alienation and fragmentation of modern life which is so destructive to personal faith and a peaceful existence.

I had grown up in the Western Protestant tradition, but I also believed that God had been trying for ages to get access to people's minds and consciences through differing faiths. True, not all our guests were religious in the conventional sense of the word. Some indeed professed no religion, but, to quote Tennyson, many of them expressed more faith in honest doubts than many others who lightly say their creeds.

Our common quest for paths to the Good Life Universal had not led to disloyalty to our country, but rather to a renewed effort on its behalf. We would have it play the role as a world power that it had once played as a new young country holding out to mankind the hope for the good life fulfilled through a people's government—"conceived in liberty and dedicated to the proposition that all men are created equal" and "are endowed by their Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness."

On that September day, when we were called again to give an account of ourselves and of World Fellowship, such thoughts were with us. And there, at that second hearing, because it could not be otherwise, the heart of a six-year contest was to take shape—the contest between the conscience of a human being and what was felt to be an unjust demand of a state authority. Although there was never any doubt on my part that I would not give the names, I was ever aware of the seriousness of my refusal. It is not a light thing for the individual to set himself against the state. Personal liberty does have to be weighed against the national security. When one has to choose between the things that are Caesar's and that which belongs to God, one must be very sure that the voice of conscience is authentic.

But the others—all those who had accepted in good faith the World Fellowship invitation to think and talk and teach and learn without fear while they were at the Center—what of them? Had I the right to hand over their names to a man who had told the newspapers in a statement boxed on the front page about his intentions to investigate me before hearing one word from me? Had I the right to add their names to those lists being sent all over the country from one attorney general to another? Was I to be the means of subjecting them to the kind of interrogation I had undergone? I could not do it.

What else was demanded? Carefully we studied this second subpoena. I was to appear; very well, I would appear. I was to bring with me a list of the speakers at World Fellowship that summer. All right, I would bring that list. The speakers had appeared publicly at the Center, their names had been included in our news releases; I could see no reason for not complying with this demand.

I was to bring the correspondence I had had with the speakers. No. The corespondence was not public information, and there was nothing in it that the attorney general had a right to ask for.

I was to bring the names and addresses of all paid employees of the World Fellowship Center. Well, the attorney general had my name and address, and Ola's, and the Wellers'. Was there any legitimate reason for him to involve our cook, and other employees on the grounds who were merely working for pay, who had no part in the World Fellowship program? I could see no possible excuse for involving them in the attorney general's brand of investigation.

Were we wrong? Did the state have the right to demand that I turn over all these names and the letters to the attorney general? He had given no indication of any connection between those people as a group and anything that could be called subversive; I myself knew of no such connection. It seemed to me that he was merely fishing for names, perhaps hoping to find something that would keep *his* name in headlines. I felt with every fiber of my being that I could not be party to such a thing, not even though I had been commanded by an officer of the law.

Again I called Roy France, and again he came to my aid. Once more he joined me on the evening before, this time in New Haven, and in the fresh dawn drove with me the two hundred miles through the flaming New England countryside to Concord, this time on September 27, 1954.

We went over the situation, wondering what it would take to satisfy Wyman. Could he honestly believe that I was a traitor? that World Fellowship was a danger to the State of New Hampshire? Or was his course set as a way to political power? Did he really consider that the Constitution and the Bill of Rights gave me no right to believe as I do or to meet peaceably with others in an effort to learn and understand their beliefs?

Until that first official questioning, I had assumed that he was merely mistaken about me. But there were the puzzling facts: He had rejected summarily my invitation to come and see World Fellowship at first hand, bringing with him whomever he might wish. When I had gone voluntarily to his office to answer his questions, he had served me with a formal summons. Although he had meticulously preserved the proper form in his questioning, he had carried his questions far afield from any honest line of inquiry in order, it seemed, to confuse and embarrass me.

Another thing puzzled us. As an inn, World Fellowship was required by law to maintain a guest list which the sheriff or his deputy had a right to inspect at any time. We had, of course, done this.

The entire structure of his questioning was based on the assumption that an organization included on any of the various lists of organizations that "appeared to be controlled by Communists as reported by any authority of the government or other authority"—whatever "other authority" might mean—was per se subversive, and that a connection with any of those organizations automatically gave Wyman the right not only to question a person about his own life and work, but to demand that he turn informer on everyone he knew.

Roy had put it in the record that the Supreme Court of the United States had twice invalidated the use of the lists for thus imputing guilt without due process, but Wyman had gone right ahead with his "citations" from the lists as if such citations were conclusive evidence. Would he have seen the light by now, we wondered?

Wyman met us in his office and opened the interview with a demand for the records. Roy countered with objections, citing the First, Fourth and Fourteenth Amendments to the Constitution (the basis of our later appeal to the Supreme Court of the United States). Wyman replied insisting that "this is not a prosecution or a persecution. . . . There is no issue of freedom of speech nor freedom of religion involved in anything I am doing." I was not an ordained minister, the attorney general emphasized—the implication being that if I had been, the procedure might have been different.

Wyman then demanded the names of the World Fellowship speakers. That year we had had speakers from India, Egypt, Indonesia and the United Nations, in addition to those from our own country, which included three ministers and several people active in the civil liberties struggle, as well as the Scott Nearings, who attend every summer. I gave Wyman the list.

Then came the crucial question: "Mr. Uphaus, did you bring here with you today the books, records, files, papers and documents called for in the subpoena?"

"I did not, Mr. Attorney General."

"Do I understand you refuse to produce them?"

"I so refuse."

I offered instead a formal statement setting forth our legal objections, which Roy had prepared, and included the moral and religious grounds for my refusal. I was allowed to read them into the record.

The statement said, in part:

"I am a Christian and a Protestant. I belong to the First Methodist Church of New Haven, Connecticut. I am a pacifist, and therefore have renounced war and the program of fear and hate emanating from the present cold war. I base my faith and conduct, to the extent of my insight and ability, on the ethical teachings of the ancient prophets of Israel and Jesus of Nazareth—teachings of justice, righteousness, brotherhood, peace and freedom of spirit.

"As a Christian, I am obligated to try to understand the faith of other peoples and work with them, as far as possible, for peace and brotherhood everywhere in the world. The World Fellowship of Faiths is a religiously motivated movement in the highest sense which seeks to bring together for fellowship and discussion the representatives of all faiths to the end that there may be peace, brotherhood and plenty for all men, women and children. It is a movement worldwide in its purpose.

"My many years in the church, my religious teaching in colleges and theological seminaries, my seventeen years as executive secretary of the National Religion and Labor Foundation and my travels abroad for peace and international understanding made the call to direct World Fellowship a happy and natural one. Mrs. Uphaus, co-director, a churchwoman of years and a former missionary in China, concurred in the decision to accept the appointment.

"The attempt of the attorney general of New Hampshire to use the State Subversive Activities Act of 1951 to harass and intimidate me and to destroy the work of the World Fellowship of Faiths by demanding the names and addresses of our 1954 guests, the identity of our employees, and the correspondence with speakers, is utterly contrary to the cherished tradition of religious freedom and peaceable assembly enshrined in the First Amendment to the Constitution of the United States. This action is a direct invasion of Christian conscience, an authority higher than that of the State, because my conscience tells me that to give the names and addresses of people who, to my knowledge, have never done anything to injure their country and who came to World Fellowship solely for vacation, recreation and friendly discourse, would turn me into a contemptible informer. To do so would subject them to possible harassment and embarrassment and add to the general suspicion and hysteria that prevail."

With pride I quoted from the 1953 message of the Methodist Council of Bishops: "We must oppose those who in the name of Americanism employ the method of repression, who speak with the voice of democracy but whose hands are the hands of tyranny."

And from the 1954 statement of the General Board of the National Council of the Churches of Christ in America: "A more basic threat . . . has been a growing tendency on the part of our people and their representatives in government to suppose that it is within the competence of the State to determine what is and what is not American."

I concluded the statement with this challenge:

"Our activities at World Fellowship Center are open to all. We have nothing to hide. I repeat my invitation to the Governor and attorney general of New Hampshire to come to World Fellowship to speak. We invite the citizens of New Hampshire, as well as of the nation and the world, to attend and take part in our program in 1955. We urge them to call on Governor Hugh Gregg and Attorney General Lous C. Wyman to bring this unwarranted interference to an end."

I do not know to what avail was my statement, or anything else that I said for the record, for that matter. Wyman's underlying assumption was obvious: anyone whose beliefs diverged too far from the standards he recognized was not entitled to share the rights guaranteed to Americans. Communists, in his view, had no right to share their ideas or present their points of view. Not only did they have no rights, but, by implication, I had no right to associate with them. Once more he went back to the question he had asked before:

"Does it make any difference to you, Dr. Uphaus, whether a person is a Communist or not? . . . In your work, don't you inquire whether an individual is or was a member of the Communist Party, or a believer in communism, or a Marxist?"

He seemed genuinely puzzled, and again I tried to make him understand. "I associate with people on the basis of peace or other specific issues, whether they are Republicans or what not." I knew that it was quite possible, I said, that some of our guests were on one or the other of those lists of his. I might have added that, since I was on the list myself, no one knew better than I that the lists included any and all deemed guilty because of their association or unorthodox views.

But to Wyman, this was no answer at all. Once more he offered me the opportunity to cooperate by giving the names and other information "in secret session." Again my painful experience reminded me how quickly "secret" testimony could find its way into the national headlines, and again I declined.

There was no help for it. Wyman could not understand my motivation, and I could not accept his.

As Wyman prepared to end the hearing, Roy asked him to put to me one final question.

"At any meeting or discussion at World Fellowship in New Hampshire during 1954, did you hear any advocacy of alteration or overthrow of the United States or of the State of New Hampshire by force or violence, if necessary?"

I was happy to answer that one. The answer was no.

The questioning was over, but I was not released from subpoena. I was ordered to hold the records intact so that they could be produced in court on demand.

My sturdy little ninety-three-year-old mother had come to live with us in New Haven after Aunt Kate's death. She had made herself an integral part of the family and neighborhood where, as always, her earthy wisdom and compassionate understanding of the people she lived among seemed to make good will and justice flourish like her gardens. "Hate the sin and love the sinner" was the kindly creed she lived by and the creed she had taught me from my youth. I didn't know how much she had understood of the present larger situation in which I was caught. I learned now that she had understood it very well, and brought to it the same wisdom and compassion that governed her personal relationships.

Before Roy and I left for Concord early in the morning, I had found pinned on the bedroom door a note that said: "Willard, pray for the attorney general."

When we got back to New Haven, Ola and Mother were waiting for us.

"What did he want you to do?" Mother demanded.

I told her that Wyman had asked me to give him the names of all the people who had come to World Fellowship Center.

"You didn't do it, did you?" she asked.

No, I had not given the names.

[CHAPTER NINETEEN]

Wyman presented his first official report of his one-man committee of investigation to the New Hampshire legislature in January, 1955. If there had been any lingering doubts in my mind about my obligation to refuse him the names of the World Fellowship guests, they would have vanished forever at sight of that report.

The first part of the report was a series of essays on communism, the nature of the Russian threat and Communist influence in the United States. Then followed the list of names. Tucked away in a foreword was the pious statement that the report was not to be considered an indictment of any individual, or a charge against any individual, but added that "facts are facts. . . . Conclusions of opprobrium relative to any individual, while within the privilege of personal opinion, are neither recommended nor intended to be encouraged by any phraseology of this report." I don't see how the attorney general could have gone farther to invite disaster onto the heads of those he named.

Lest anyone who reads this think I might exaggerate, let me quote here from a later opinion expressed by Justice of the Supreme Court Brennan.

"The investigation, as revealed by the report, was overwhelmingly and predominantly a roving, self-contained investigation of individual and group behavior, and behavior in a constitutionally protected area.

"Many of the biographical summaries would strike a discerning analyst as very mild stuff indeed. In many cases, a positive diligence was demonstrated in efforts to add the names of individuals to a list and then render a Scotch verdict of 'not proven' in regard to them. The most vivid example of this is the material relating to . . . World Fellowship.

"The Resolution [of the New Hampshire legislature] and the Attorney General's implementation of it reveal the making of a choice. The choice was to reach the end of exposure through the process of investigation, backed with the contempt power and the making of reports to the Legislature. . . .

"The report discloses an investigation in which the processes of law-making and law-evaluating were submerged entirely in exposure of individual behavior—in adjudication, of a sort, however much disclaimed, through the exposure process.

"This investigation . . . on its surface has an overwhelming appearance of a simple, wide-ranging exposure campaign. . . ."

Shocking as the report was, it did not shock the New Hampshire legislature, which proceeded to renew Wyman's mandate and appropriate still more money for his investigation. The solons of New Hampshire either did not know or did not care that innocent victims of Wyman's hit-and-run tactics would very likely lose their jobs, and be forced to spend the rest of their lives trying to prove their innocence.

As for me, the heavy machinery of the law, once triggered by my refusal to give up the material demanded by the subpoena, ground relentlessly on.

There were arguments about the New Hampshire court's jurisdiction, since I was a resident of Connecticut. There were arguments about the legality of sending a deputy to New Haven to serve an order on me to appear in court, with the result that it had to be served all over again when I went back to New Hampshire in the summer of 1955. There were further private sessions, when I was again asked for the material. Wyman kept at it. He was determined to have—or rather, he was determined that I should give him—what he demanded.

Finally came the day that Wyman had worked toward for two years. On January 5, 1956, Wyman faced me in the Merrimack County Superior Court in Concord. Wyman's purpose was to have the court order me to surrender the guest list, the employees' names and the correspondence files. Then, if I still refused, I would be in contempt of court and subject to a jail sentence.

In many ways, this was the worst day of the entire experience for me. I knew that Wyman would try to "break" me. He seemed to feel that his entire investigation and his own political future rested on forcing me to hand him a little pile of 3-by-5-inch cards. Here in an open formal proceeding, with the press reporting it to the world, I felt that he intended to carve my resistance into a step toward his own fame.

The setting was a large, austere room in the county courthouse. Looking down from the walls in serene dignity were portraits of former New Hampshire judges. Dominating the scene from his high bench was Judge George R. Grant, Jr., who might have been one of the portraits himself in his black robe, so well did his sober face exemplify the New England tradition of rectitude. A columnist later wrote that had Judge Grant and I met under other circumstances we would have been friends, and I like to think that this is true. I know that we have much in common, for Judge Grant is an active churchman. His later remark, "You say this has taken a year out of Willard Uphaus's life—it has taken five years out of mine," shows our common deep concern with the questions debated that day.

I sat in the witness chair on the judge's left, on the same high level as the bench. Below us, at a long table piled high with "evidence," were Wyman and his deputies. Hugh Bownes, a young member of the New Hampshire bar, had joined Roy France in my defense, and they sat together at a table back of Wyman's. The law firm of Nighswander, Lord and Bownes had been interested in my case from the beginning. The addition of this friendly, vigorous, skilful attorney increased my confidence.

Wyman led off by reading an extract from a New Hampshire Supreme Court decision that defined subversive persons. Anyone who commits or attempts to commit or aids in the commission of acts intended to overthrow or alter existing government by force or violence, it said. So far, so good. Anyone who advocates or teaches the commission of such acts . . . Fair enough. But then the definition goes on to add "even though they do not do so knowingly and willfully," and includes those who are members of subversive organizations "not knowing them to be such!"

After solemnly intoning that all-inclusive definition, Wyman maintained that under it he had the right to demand of me the records he had subpoenaed.

My attorneys objected that Wyman was basing his charge of contempt solely on guilt by association, and even at that by association with organizations which had never been proved subversive in any court of law, but had only been named on lists which the Supreme Court of the land had held inadequate for the purpose of establishing subversion.

Roy pointed out that Wyman had never produced one iota of evidence that I had ever advocated violent overthrow of the government, and recalled that I had testified fully and freely about myself whenever asked. Roy then referred to Wyman's report to the legislature as additional moral grounds for my refusal to hand over the records and lists.

Hugh Bownes then argued that what Wyman asked was not pertinent to the inquiry ordered by the legislature, and that therefore Wyman had no right to ask it; and furthermore, that Wyman's demands were in violation of both the Federal and the state constitutions.

After considering these arguments, Judge Grant gave Wyman permission to proceed. The questioning began.

The real questions debated in the Merrimack Superior Court that day were questions that were plaguing the entire country at that time. What did it mean to be American, or un-American? Had people who were accused of being Communists a right to trial under rules of evidence? Were people to be hounded by investigators and committees because of their ideas and associations? Were informers to gossip openly about ministers, teachers, and others in public life with impunity, forcing those who had committed no crime to spend their remaining years in trying to prove their innocence? Were the guarantees of the First Amendment to be set aside on the grounds of "national security"? Were Americans sincerely striving for peace to be cut off from communication with those with whom peace must be made? Was freedom of religion merely the right to recite a creed, or did it cover the application of the ethical teachings of the great religions to the problems of today's world?

The questions that were actually asked that day were more prosaic.

QUESTION: "What is your name?"

ANSWER: "Willard Uphaus."

QUESTION: "Where do you live?"

ANSWER: "New Haven, Connecticut."

QUESTION: "Are you an ordained minister?"

ANSWER: "I am not."

QUESTION: "Mr. Uphaus, you received in the course of days past two subpoenas . . . to bring with you certain records and documents, and to produce them for examination by the attorney general acting as a legislative committee, did you not?"

ANSWER: "That is right."

QUESTION: "Do you have those books, records and documents with you?"

ANSWER: "No sir, I do not."

QUESTION: "Did you bring them to the courtroom today?"

ANSWER: "I did not."

QUESTION: "For what reason?"

Legal objections from my attorneys. They were overruled. Then the judge, addressing me for the first time, said, "You may answer, sir." I had no written statement prepared this time; I spoke directly from my heart and mind, to say why I had refused.

"I think there has been no question in my life to which I have given more time and thought and prayer, no question on which I have consulted more people, than this question as to whether I should provide the information the attorney general has requested.

"I have been moved first by my religious conviction, by the inner conscience, by the direct teachings of the Bible that it is wrong to bear false witness against my brother, and inasmuch as I have no reason to believe that any of these persons whose names have been called for have in any sense hurt this state or our country, I have reason to believe [their names] should not be in the possession of the attorney general.

"In the next place, the social teaching of the Methodist Church teaches clearly and specifically that we in the United States should stand up and uphold civil and religious rights; and in particular, it condemns guilt by association, and my counsel have made the point that this is the crux of the question.

"Next, Your Honor, I hold before me this precious Bill of Rights, to which reference has been made. I have grown up under that. I believe in it. I am a son of American soil and I love my country; and I love this document and I propose to uphold it with the full strength and power of my spirit and intelligence. . . .

"In the Protestant church there is what we speak of as the priesthood of our peers. In the final analysis, after one has prayed, after one has thought of all aspects, he must, before God, make up his own mind or his own heart as to what he shall do. For a year and a half, the question has been before me, and my answer, in all conscience, must be no, Your Honor."

More legal argument, but I had said what I had wished to say. Then the judge turned to me again.

QUESTION: ". . . in substance . . . you do not wish to turn informer?"

ANSWER: "I don't want to involve innocent people in the attorney general's network."

Then once more Wyman reviewed the justification for his demands. He went over the record of my associations and activities, even assigning to me responsibility for things that happened in the National Religion and Labor Foundation and in World Fellowship before I went to them. Over and over Wyman said he only wanted to find out what Communists, sympathizers, fellow travelers, were in New Hampshire, and "what they were up to . . . whether they were talking behind curtains about overthrowing the government or whether they were having philosophical discussions." The record, he said, "is replete with disloyalties to this country."

I wondered—perhaps to his mind the record was replete with disloyalty. But it is a curious fact that, after all the thousands of New Hampshire taxpayers' dollars that he had spent in the search, not one of the people he had summoned and questioned had been indicted for an unlawful act! If he had found so much disloyalty, where were the indictments? What was he really trying to do? Why was I there? To me there seemed no rhyme or reason to it. World Fellowship was still functioning; the signs were still on the highways inviting one and all to come. If Wyman really wanted to know what we were "up to" he could have sent observers there without our knowing it. He might have sent an officer to look at our guest list at any time. Why, then, this long series of summonsing and questioning, subpoenas and hearings and liftings of subpoenas, culminating in this long day in court? There are a number of answers to that question, and to this day I do not know what all of them are.

Finally Wyman said, "I know and respect Mr. Uphaus's disinclination to be an informer . . . but in this situation the freedom of speech which has been sacrosanct for years in our Bill of Rights is modified because of the fact that the state is trying to find out if there is any subversion around."

I could hardly believe my ears. The Constitution modified for this?

After the noon recess, Wyman resumed his measured tread, walking back and forth to his table for the "citations" he so cherished.

Is so-and-so a Communist? Citation. Did I know that so-and-so had been a Communist? Citation. Did I recognize this speaker, or that piece of literature? Did I know that the speaker, or the author, had appeared before an investigating committee? Or that he had been a member of a "listed" organization? Citation. Is this clergyman the same whose name appeared in Wyman's own report to the legislature?

To Wyman, working for a truce in Korea had been a Communist activity. Had he forgotten that in 1952 Dwight D. Eisenhower had won the Presidency of the United States largely on his pledge to go to Korea and try to stop the fighting there?

To Wyman, working for friendship between the United States and the Soviet Union was a subversive act. One passage is enough to show his thinking. Wyman had stated that "advocacy of this so-called peace crusade is for the purpose of achieving a quicker and cheaper occupation by the Soviet Union and Communists." He was assuming, and would have the court believe that we who were seeking peaceful alternatives to war were advocating a doctrine that "we lay down our arms in favor of a few sticks and stones." That gave Roy an opening he was quick to seize.

"In other words," said Roy, "the whole Quaker movement, the whole pacifist movement in this country is what the attorney general really wants to investigate? . . . I don't ask Your Honor to agree with Mr. Uphaus's pacifist conviction . . . but I do ask Your Honor to say that every American citizen has a right to criticize the foreign policy of his government; every citizen has a right to urge, if he wishes to, disarmament or any other lawful practice. . . . I am inclined to believe that under the statement the attorney general has just now made, Jesus of Nazareth would be compelled to answer questions which were against His conscience before this court because He, of all men, urged that we use other means than violence in achieving our purpose. . . ."

Objection, objection from Wyman.

"Of course one is free to be against our foreign policy," Wyman said angrily, "but one is not free to advocate a peace crusade with the intent that it be a prelude to occupation of our country by the Soviet Union!"

I had been very close indeed to the American Peace Crusade, and I had never seen any remote indication of such a purpose, nor was there anything in the record anywhere to support such a charge. If Wyman could see an intent like that, which was hidden from us who had created and worked in the Peace Crusade, he would see what he liked wherever he looked. Was this the stuff of American justice?

Wyman lost no opportunity to point out that my license to preach had been taken away from me, implying the most sinister reasons for this. To refute his innuendoes, three ministers of the Methodist Church who had been my pastors wrote letters that were read into the record that day. These three men did not always agree with me by any means, but they had a far deeper knowledge of my intents than Wyman could ever have.

Reverend Robert Fichter wrote: "I came to know him to be a dedicated Christian earnestly seeking to find expression for the Christian ideals of love and justice in the modern world."

My pastor at the time, Reverend George Teague, wrote: "It may well be that Willard Uphaus and others like him, who do not fear as Christians to associate with people in disrepute in our day, will do much to advance the Christian cause.

"It is true that he is more radical than most contemporary Christians in his view and language, and not at all concerned about his associations. But in this, too, he has a firm foundation in the Gospel and the life of Jesus Christ. Our Lord's outlook was most radical in His day, and it is well known that He associated freely with men and women held in question by the church people of that day."

Reverend J. George Butler, who had been my pastor for eight years in New Haven, wrote: "Anyone who dares say that he uses his religion as a cover up for subversion is a liar."

Finally, the arguments exhausted, it was time for the judge to rule.

Wyman's demand for the names and addresses of the World Fellowship camp employees was ruled out.

About the correspondence I had had with World Fellowship speakers, judgment reserved.

When it came to the demand for the guest lists, I was ordered to stand. The clerk then read out in sepulchral tones:

". . . Willard Uphaus is found and adjudged in contempt of this court. Willard Uphaus is ordered committed to the Merrimack County Jail, there to remain until purged of his contempt."

[CHAPTER TWENTY]

How does it feel to hear yourself condemned to prison for life? I know, for that sentence was nothing less than a life sentence. If it was contemptuous of me not to hand those cards to Wyman, I would be in contempt forever. But I do not know how to describe the feeling.

There was a nightmare quality about it. The sun had sunk low in the December sky. Dusk had crept from the corners of that large bare room to challenge the yellow light from the ceiling. The somber, granite-chiseled face of the judge and the round impassive face of the reading clerk seemed to float before me. The sheriff moved up beside me, and without looking, before he touched me, I knew with horrid clarity that he had taken possession of me. Without a bar, without a chain, without moving a step, I had entered a different world. I was no longer free.

The spell lifted a little as counsel argued for my release on bail pending appeal. Over Wyman's strenuous objections, bitterly put, bail was set at $1,500. My friends promptly stepped forward to post it, and my invisible prison walls opened enough to let me out of that place.

A wave of weary numbness engulfed me as Ola and I, surrounded by our loyal friends, descended the flight of stairs to the rotunda and at last emerged into the blessed open air. It seemed a long time since I had climbed those stairs.

We made our way to the Eagle Hotel against a tide of people homeward bound at the close of an ordinary day.

Even when they brushed me in passing, I was conscious of the gulf that had opened up to isolate me from them.

Back in our large old-fashioned room at the Eagle, I tried to bring the situation back into focus. Nowhere, at no time, was any overt act ever charged against me, or even the thought of such commission, nor had anyone who had ever been at World Fellowship been charged with an illegal act or any form of misconduct. Nor had I been granted the fundamental right to be regarded as innocent until proven guilty; on the contrary, I had been expected to prove my innocence of a mass of elusive charges based on my associations. Of course, we told each other, the commitment would not stand. The Supreme Court of New Hampshire would never uphold that day's decision. Even if Judge Grant had forgotten it, the New Hampshire Supreme Court would know the New Hampshire Constitution. There was Article 4, which plainly states:

> Among the natural rights, some are in their very nature inalienable, because no equivalent can be given or received for them. Of this kind are the Rights of Conscience.

That constitution was adopted in October, 1783, with a great preamble:

> Government being instituted for the common benefit, protection, security of the whole community; and not for the private interest or emolument of any one man, family or class of men; therefore, when the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old or establish a new government. The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, destructive of the good and happiness of mankind.

In May, 1956, while the appeal was pending, I had the depressing experience of appearing before the House Un-

American Activities Committee. The industrious HUAC was at that time searching for evidence of fraudulent procurement and misuse of U.S. passports by Communists.

Although I had traveled to the Warsaw Peace Conference and on to Russia on a perfectly valid passport, the HUAC spent several hours trying to show, first by questions and then by innuendo, that there was something wrong about the way I had obtained it. Failing in that, the committee fell back on questions about the people I had associated with in the various peace organizations. Richard Arens, the HUAC staff director, went over the same old ground Wyman had covered so thoroughly. It was obvious that he relied on the same lists and sources used by Wyman.

Eventually I was asked for the names of the nineteen U.S. delegates who had gone to call on the American Ambassador, Alan Kirk, in Moscow. I don't know why they wanted me to name this group, since the government already had our names. Whatever their reasons, I was again being asked to give other people's names to a committee that had demonstrated the destructive use it could make of any names that came its way, and I refused, claiming the right to do so under the First Amendment. The committee would not accept this, and on the advice of my counsel, I eventually claimed the right to refuse under the Fifth Amendment. I was sorry afterward that I had used the now famous Fifth, when it was clear to me what game the HUAC was playing. To quote again from Richard Rovere's book *(Senator Joe McCarthy,* p. 264), "McCarthy invented the whole technique of questioning at length witnesses he knew would take the Fifth Amendment, and since his departure, Congressmen have competed . . . to establish new world's records for the number of Fifth Amendment claims they could get. . . ."

We had been sure the New Hampshire Supreme Court would support us, but we were wrong. The court questioned the validity of the demand for my correspondence, but three of the five justices found that the attorney general had a right to proceed upon information, "even though in hearsay form," and that his demand for the guest list was both valid and constitutional.

The two dissenters, Justices Duncan and Goodnow, denied the right of the attorney general to investigate indiscriminately in "the mere hope of stumbling upon valuable information." The presence of the guests at World Fellowship, they said, "did not make them advocates of any action, lawful or otherwise," and the record "does not disclose such a public necessity for production of the registrations as to warrant abridgement of the privileges of individuals concerned to exercise their civil liberties free from the threatened involvement in the legislative investigation of subversive persons." The record was too slim to justify "inquisition violative of the First Amendment." But these two clear-sighted men, able to see through the fog of hysteria that held that state in its grip, were in the minority.

We would have to appeal to the Supreme Court of the United States.

At this point the Emergency Civil Liberties Committee, which had been following the case, took an active hand, giving us Leonard Boudin, one of the ablest of constitutional lawyers, to assist Roy and Hugh Bownes in my defense.

While my appeal was waiting its turn on the docket, the U. S. Supreme Court reached a decision in another case that originated in Wyman's New Hampshire investigation. The case was that of Paul Sweezy, a university professor and a Marxist economist. When Wyman questioned him about a lecture he had delivered at the University of New Hampshire, Sweezy refused to answer. On October 14, 1957, the U.S. Supreme Court, in a six to two decision, upheld his refusal. At the same time the Court ordered my appeal back to the New Hampshire Supreme Court for reconsideration in the light of the Sweezy decision.

So that, we thought, was the end of our difficulties. It would now be only a matter of form to clear up the whole thing. We were not the only ones who reacted to the Sweezy decision in this way. An Associated Press reporter who called me for comment opened his remarks with the question, "You know you've won, don't you?" *The New York Times* report of the Sweezy decision noted that my contempt conviction had been nullified by it. Roy, Hugh and Leonard were equally confident.

Again we were wrong. The New Hampshire Supreme Court reaffirmed its previous decision, Sweezy or no Sweezy.

This time I did not have the comforting, physical support of my staunch little Mother. One Sunday in March, 1957, she was busy about the house as usual. The next day she took to her bed, saying she was in severe pain, and on Tuesday morning she was dead. I missed her cheerful commentary and her unfailing common sense, but I felt her loyal spirit with me, as it had always been.

So now, on November 14, 1958, five years after that first black headline and two years after I'd heard my sentence read in the Merrimack Superior Court, here I was at the portal of the Supreme Court of the United States in the nation's capital. From this court there was no appeal. After all the legal seesawing, I would now learn the final true meaning of the Bill of Rights as it applied to me.

Chiseled in marble high above the massive doors were the words: EQUAL JUSTICE UNDER THE LAW. Although the legal system supported by this Court had ground me in its slow mills for five years, a strong feeling of pride surged through me as I climbed the steps. Under this system I had been born and grown in freedom. I had tilled the soil in Indiana and been nurtured in the faith of my father and grandfather. I had first studied in and then taught in a free public school system. I had worked for what I thought was right—for the end of racial discrimination, for the right of labor to organize and live a decent life, for peace. All this had been possible because of the Bill of Rights, the basic law of this Court where I would now be judged. Others in the past had come to this forum to resist encroachment on those Rights; it was now my turn. With these memories and these thoughts filling my mind, I had no doubt about the outcome.

I can close my eyes and see the courtroom still, in all its dignity, with the nine justices on the bench. First at the left was Justice Whittaker, to all appearances indifferent to his surroundings except when he roused himself occasionally to make a note. Next to him, very erect, sat Justice Harlan, who followed each argument intently, referring often to the briefs spread out under his elbows. Then Justice Douglas, still the very picture of rugged strength although he was nearing sixty. He seemed to find his black robe and his dignity confining, moving restlessly, now to toss back the hair from his eyes, now to smile in appreciation of some point. Next to him Justice Black sat calm and quiet with lowered eyes.

In the center, erect and alert, was Chief Justice Warren, a big fatherly sort of man, leaning on his left elbow to watch the contending lawyers. It was hard for me to see Justice Frankfurter, for his short figure was often hidden from me by the lawyers, but I heard the frequent probing questions which showed how closely he followed each development. The impassive face of Justice Clark told me nothing. I wondered what his thoughts were, but I got no clue until months later when I read the majority opinion, which he wrote. Next upon the right sat Justice Brennan, rocking vigorously in his chair. I don't believe he asked a single question, but his thoughts, too, were set out for me later, for he wrote the minority opinion. The newest member of the Court, Justice Stewart, completed the bench. He was leaning forward eagerly, his horn-rimmed glasses dangling in his hand. Younger than the others, and very well groomed, he presented an attractive figure, but as far as the liberality or conservatism of his views was concerned, he was an unknown factor to me.

The first case on the docket that day concerned artificial coloring on oranges. What a kaleidoscope of problems comes before the highest court in the land! Then it was my turn to be heard.

My attorneys ably argued the now familiar ground. Roy spoke in defense of my constitutional rights, and my right of conscience. Leonard argued that the doctrine enunciated by the Court in the case of *Pennsylvania v. Nelson* prohibited by implication any state investigation of subversive activities at all. While they were speaking, the justices put few questions.

When Wyman rose to speak, however, they pressed him closely. Wyman tried to make capital of the fact that I had claimed the privilege of the Fifth Amendment when I had testified before the House Un-American Activities Committee in 1956, while my case was still pending in the New Hampshire courts. The Chief Justice put a stop to that. "Does that mean that he confesses guilt?" the Chief Justice asked, somewhat impatiently. "I thought he could take it [the Fifth Amendment] without being deprived of any rights as an American citizen." Wyman had to agree.

When Wyman launched out on his familiar pattern of citing "named" persons I had associated with as evidence of my subversion, the Chief Justice again broke in. Did Wyman have grounds for believing these people were subversive beyond the fact that they were said to be Communists? "A lot of people are called Communists," the Chief Justice remarked. When it came to "listed" organizations, and the Chief Justice asked if any of the organizations Wyman cited had been found guilty in a court of law, Wyman was forced to admit that the answer was no.

It was the same story when Wyman pleaded his right to demand the guest list by saying that he had to know if there were Communists at World Fellowship. The Chief Justice asked if Wyman would require a New Hampshire minister to supply a list of his church members just because a Communist might have attended one of the church services. I couldn't catch Wyman's mumbled reply to that one.

The list of World Fellowship speakers Wyman read out contained the names of at least three people who had never been at World Fellowship in their lives. Since Paul Robeson, I. F. Stone and Dr. Joliot-Curie were among the names that had been added, I can only think that the additions were for the purpose of impressing those who might not be sufficiently impressed with our actual speakers. Justice Frankfurter pricked up his ears at the name of Joliot-Curie, and asked first Roy and then Wyman about his appearance at World Fellowship. Wyman hastily back-watered, saying that well perhaps no, Joliot-Curie had not actually *been* at World Fellowship, "but he invited Uphaus to attend the Warsaw conference."

Justice Black put few questions to Wyman, but his eyes twinkled when Wyman trotted out a three-line grace that had been offered before one of the meals at World Fellowship. Dr. Louise Pettibone Smith, retired professor of Biblical History at Wellesley College, was the World Fellowship guest invited to ask the blessing one evening. By tradition, grace at the Center could be a prayer, a poem or a paragraph. Her choice was a prayer once offered by a missionary in India during a famine.

> We have bread
> Others have none—
> God bless the revolution.

At every stage of the investigation I had been asked about that prayer. Now here in the U.S. Supreme Court, those three lines were recited once more to show what a subversive lot we were. Justice Black's devastating question put it at last into proper perspective. "Do you have anything else as evidence?" he asked.

The newspapers played up the interchange between Wyman and the newest justice, Potter Stewart. Wyman was arguing hard that he wanted to find out if we at World Fellowship "were just having a pipe fest, or were plotting subversion." He needed the correspondence, he insisted, because one of the letters might contain a suggestion that the speaker was to advocate violent overthrow of the government. Wyman was just saying, "That might sound incredible . . .," when Justice Stewart interrupted him gently.

"But *isn't* it incredible? That is not the way you plot a revolution."

Still talking of the correspondence and guest list, Wyman assured the Court that the material was even now right there in my office. One of the justices wondered aloud whether it would still be there if it really contained evidence of subversion.

Wyman argued that the right of free speech must be balanced against the public interest in disclosure. The Chief Justice observed that, even assuming that the interest of the individual and the state must be balanced, the critical question was whether the state had here made a sufficient showing of danger to justify such a balancing in this instance. This was the point that had most impressed the two dissenters in the New Hampshire Supreme Court, and, as it turned out, this was the point that finally decided the issue in the U.S. Supreme Court.

At each of these exchanges, our confidence in the outcome rose. Now that the contest was in a national arena, Wyman's "evidence" was being shown up for the flimsy stuff it was. His smooth assumptions were being challenged, here where the Bill of Rights counted more heavily than the testimony of paid informers and other "namers." By the time it was over, we were certain that we had nothing to fear.

Back in New Haven we confidently awaited the Supreme Court's decision. Our confidence was buttressed by the news reports, which reflected our own conclusions as to the outcome.

Supreme Court rulings are handed down on Mondays. Each Monday we looked for the good news. A month of Mondays went by and still no ruling. The delay was disconcerting. We didn't really doubt that it would be in our favor, but why were they taking so long? Again and again we went over the history of "the Warren Court," as it was called. That history was completely reassuring.

One of this Court's first decisions had boldly outlawed racial segregation in the public schools. Obviously it was a Court that feared no opposition, however strong.

Then had followed the famous series of civil liberties cases, including the Sweezy and Nelson cases mentioned above, which firmly reversed the reactionary trend of the preceding Court. In one of these cases, that of John T. Watkins, an organizer for the United Auto Workers, the Chief Justice himself had written a brilliant defense of the First Amendment. Obviously this court would allow no unjustified tampering with civil liberties.

All these decisions, however, had provoked a formidable reaction. White-supremacy Southerners were joined with ultra-conservative forces throughout the rest of the country to resist, and to pin the Communist label on any liberal cause. New Hampshire was a center of that reaction; Senator Styles Bridges one of its leaders. Wyman was Bridges' protégé, the up-and-coming young man who "knew how to get things done."

Wyman himself had not hesitated to denounce the Supreme Court, saying publicly that the Court's recent rulings had set the United States back twenty-five years in controlling communism. Wyman was doing what he had set out to do; he was making a name for himself as a vigorous Red-hunter. He had headed a committee on internal security in the organization of state attorneys general, the very committee that set up the master exchange list of information about Communists and fellow travelers. He had been active in the American Bar Association, working hard in the faction that wanted to "put the Court back in its place." For a time this group swung the whole ABA behind proposals for legislative curbs on the Court.

Was the fact that Wyman had been such an outspoken critic of the Court a matter of indifference to the Court, we asked ourselves? Would it operate in my favor? Or would the Court bend backwards in an effort to be fair to him? Or was the delay in handing down the ruling a tactical move on the Court's part, prompted by a desire to refrain from adding more fuel to the flame of controversy over civil liberties until the adjournment of the Congress?

We asked ourselves these and many other questions about the delay as months went by, but only Ola began to waver in the confident expectation of what the ruling would be. In spite of all our reassurances, Ola grew mistrustful as the delay stretched on and on. My good, wise Ola!

On Monday, June 8, 1959, I happened to telephone Roy France's home. Ruth France answered the telephone, and when she recognized my voice, exclaimed, "Oh, have you heard?" I had heard nothing, but I could tell from her tone that something was radically wrong. Ruth called Roy to the telephone.

He had just had word that the Supreme Court decision had, incredibly, gone against us, and he was shaken as I had never known him to be. He had worked so hard and long, with such complete conviction that the First Amendment would be upheld when the final test came!

One by one our loyal friends checked in as the word spread. Hugh Bownes was shocked to the core. I found myself forgetting the meaning this blow held for me personally as I tried to comfort the others.

Gradually, however, the realization sank home to me that now there was nothing, nothing at all, to stop Wyman from putting me in prison. I reminded myself that from this decision there was no appeal. It was entirely possible, indeed it was quite probable, that I would never again draw a free breath. The prospect closed around me like a gray curtain.

Through the curtain of depression another realization eventually made its way. There *was* something more powerful than the legal system that had left me at the mercy of frightened Red-hunters—more powerful even than the Supreme Court of the United States. That something was the American people. For the sake of all those who believe in peace and the brotherhood of man, I must make my appeal to the American people. If it took the rest of my life, I must let them know *how* they were being deprived of their essential right to seek peace by the peaceful means of friendly open discussion, to find brotherhood in efforts to understand and resolve the clashing ideas that lead to war. With this thought my spirit lifted. I knew then that jail was not so important. What mattered was that the American people should have a chance to decide this thing, regardless of what might happen to me.

[CHAPTER TWENTY-ONE]

While I sat out the weeks at Boscawen, there were those who believed that we had not exhausted all reasonable means of redress in the courts. Grenville Clark, of New York and New Hampshire, a renowned lawyer and advocate of world government, had followed events in my case. Upset by what he considered an unfortunate and badly mistaken ruling by the United States Supreme Court on June 8, 1959, he raised with Ola and me the question whether we should ask that Court once more to review the case. After careful examination of the records he concluded that new constitutional issues had arisen to be argued, but even if no such new issues were acknowledged, then issues that had been argued before should be examined again.

Besides, the Supreme Court had been known to reverse itself, he reminded Ola, as had been illustrated by the Gobitis and Barnett cases. In *Gobitis,* decided on June 30, 1940, in the midst of the tension caused by the imminent fall of France and all it implied, the question was whether the flag salute could be constitutionally required of children who asserted conscientious scruples against that particular physical act. The Court ruled in favor of the claims of governmental authority and against those of the individual. Chief Justice Stone was then a lone dissenter. But when the same issue came before the Court in *Barnett* three years later, Justice Jackson wrote an opinion on behalf of six justices that flatly overruled the Gobitis decision.

Were not the principles involved in *Gobitis* and *Barnett* the same as in *Uphaus,* Mr. Clark asked? In one case the issue was whether an affirmative act—the flag salute—could be constitutionally required. In the other, the question was whether the production of a list of names can be constitutionally required of a witness asserting conscientious scruples against that particular disclosure. If there was a difference, Mr. Clark argued, it was superficial, "for in both asserted justification for the requirement was the safety of the state, and in both, the basic question is whether this asserted excuse is sufficiently rational and reasonable as to justify the overriding of the scruples of the individual citizen."

Ola and I agreed that Mr. Clark's proposal should be followed. His faith in the value of further effort was evidenced by his willingness to pay for the additional costs. Having retired and not being in good health, he could only become an attorney of record, but the moral weight of this distinguished man would count for a great deal.

Three of Mr. Clark's lawyer friends, Louis Lusky of Louisville, Kentucky, and Robert H. Reno and Dudley W. Orr of Concord, New Hampshire, were willing to enter the case, provided agreeable arrangements could be made with counsel that had been associated with the case, Royal France, Leonard Boudin and Hugh Bownes. An understanding was worked out, one agreement being that Mr. Lusky would handle the appeal.

Whatever would be the outcome, a new feeling of gratitude gripped me—just to think that so many friends for so long (from 1954) were pursuing every possible measure for my defense and release. I felt the deep personal loyalty, but I also knew that I was only one in a great company of good Americans who were working together to preserve what we believed was really the heart and core of our democratic faith. My health had stood the test, and I could make my contribution by sitting and waiting, even though behind bars.

By June Mr. Lusky was preparing an appeal which, by proper procedure, would go first to Justice Frankfurter, in whose jurisdiction we lived. On the seventh of that month Mr. Lusky and Mr. Reno visited me in prison. They were frank in reminding me that we faced uncertainties and delays. The appeal carried with it a motion for my release on bail pending the outcome of the review. If Justice Frankfurter said "yes," I would be out.

Frankfurter ruled against a review, an outcome not surprising when we remember that his was the decisive vote and influence against us the previous year. Then, in succession, Justices Douglas and Black declined to rule. Weeks passed. These refusals closed the door until such time as the entire court, reconvening in October, would decide.

The appeal—in legal language known as a Jurisdictional Statement—was a closely reasoned argument covering fifty pages. It presented three questions: (1) whether New Hampshire's legislative demand was forbidden by the due process clause of the Fourteenth Amendment and by the bills of attainder in Article I, Section 10 of the U.S. Constitution; (2) whether the due process clause of the Fourteenth Amendment forbade persistence in such legislative exposure after expiration of the temporary statute on which the demand for exposure was based (much had been made in previous appeals of the 1957 amendment to the state statute); (3) and whether, in the absence of any showing of specific and compelling public need for such exposure, the due process clause of the Fourteenth Amendment forbids the imprisonment of a witness who refused on grounds of religious and conscientious scruple to participate in the public identification of persons whose names the legislature seeks for the sole reason that they have accepted his invitation to a peaceable assembly.

These questions were substantial, it was argued, because: (1) the decision on the prior appeal, upholding the power of legislative exposure without a showing of specific legislative need, is erroneous and should be overruled; (2) the declaration of legislative interest which was previously held to justify the demand for exposure has now been withdrawn;

and (3) imprisonment for fidelity to conscientious and religious scruple without a showing of compelling public need is a cruel and unusual punishment.

The statement stressed the moral and legal straits into which I had been placed. "Such a man (Uphaus) is now put on notice that before he can safely participate in a wholly lawful discussion of such a vitally important subject as world peace, even at a privately operated summer camp, he must first obtain a full and accurate report of the organizational connections of all other participants in the proposed discussion. Even this is not enough. He must obtain similar information about everyone who has attended the camp in the past or may attend it in the future. If any of these people have ever been affiliated with organizations suspected of subversive tendencies he runs the risk that the state legislature may *thereafter* elect to investigate some supposed threat to the security of the state and, in the course of such investigation, proclaim him to the world as a 'subversive' person—or, perhaps, charitably, as one whose loyalty can neither be affirmed nor denied on the evidence at hand but who needs watching because of his unwise choice of associates."

One must again stop to consider what would have happened to civil and religious liberty in New Hampshire had I complied with the attorney general's demand. The people had already been frightened away from discussing controversial subjects, especially if avowed dissenters were to take part. It will be remembered how Chief Justice Warren implied what might take place if the campaign of intimidation went on, when he asked Wyman whether, if the Jehovah's Witnesses held a meeting in a New Hampshire church, would he consider it necessary to know all who were there? Such a question asked by a Chief Justice sounds far-fetched, but who knows the lengths to which over-zealous investigators will go to silence those with whom they happen to disagree? When we think of fascist countries, such as Nazi Germany, we at times too lightly exclaim, "It can't happen here!"

As this appeal was being made, I remembered our own

American heritage with respect to questions of conscience and religious liberty. John Witherspoon, the only ordained clergyman to sign the Declaration of Independence, knew that liberty is indivisible when he declared in a sermon to Princeton students a month and a half before the signing: "There is not a single instance in history in which civil liberty was lost, and religious liberty preserved entire."

Thomas Jefferson, in a famous comment made in 1775 when he was sponsoring "An Act For Establishing Religious Freedom" in Virginia, assailed "the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed domination over the faith of others."

There was considerable discussion of the matter of conscience during the days of the formation of the state constitutions. Theophelus Parsons, a young lawyer who helped frame the constitution of Massachusetts, declared that:

> We have duties, for the discharge of which we are accountable to our Creator and benefactor, which no human power can cancel. What these duties are is determined by right reason, which may be, and is well called an informed conscience. What this conscience dictates is our duty, is so; and that power which assumes control over it, is an usurper; for no consent can be pleaded to justify control, as any consent is void.

Long before the founding of our country, wily Pharisees, centuries earlier, attempting to catch Jesus in his words, asked him whether it was lawful to give tribute to Caesar. In answer Jesus laid down a principle having to do with conscience and the state, when he said, "Render to Caesar the things that are Caesar's, and to God the things that are God's." Benjamin Ginsberg, in a splendid little book, *Rededication to Freedom,* gave it as his belief that the principle of the modern libertarian state is to be found in germ in the enunciation of this Biblical maxim.

Mr. Lusky summed up the issue of conscience, when he said in the appeal:

> Coercive imprisonment of the conscientiously objecting witness either will achieve its purpose or it will not. If it does, he is punished for having exercised his constitutional right of peaceable assembly, the substance of the punishment being the knowledge that he has helped to harm innocent people whom he had a moral obligation to protect—a knowledge he will have to live with for the rest of his days. The surer he is that the assembly was innocent, the greater his shame at exposing the participants. The severity of his punishment is thus inversely related to the public benefit which might result from the disclosure. The emptier the public need, the harsher the sanction.
>
> If the witness elects to follow the dictates of his conscience—and history shows that men have gladly gone to the stake rather than yield their convictions—he is jailed. His imprisonment serves no public purpose, for the coercive aim is not achieved. The only effect is to punish him for his faithful adherence to the requirements of morality as he understands them.

When the Court, finally, on November 14, 1960, refused to review the imprisonment, Justice Black rendered a dissenting opinion, concurred in by the Chief Justice and Justice Douglas, which, in the opinion of many, will remain an important landmark in the annals of American liberty. The appeal, he held, did raise Federal questions both new and substantial, but he took special note of my appeal on religious grounds, stressing that I had argued my position with respect to informing against my friends on the basis of the teachings of all religions.

Remembering that the attorney general of New Hampshire might under his interpretation of the state's law subject me to new questioning and force me into a new "contempt" as soon as I had served out the year's imprisonment, Justice

Black warned, "Thus a distinct possibility exists that this man who, at least as far as these records show, has never committed a single crime, not even so much as an immoral act, faces imprisonment for the rest of his life . . . simply because he has refused to violate his religious principles and sacrifice his constitutional rights by disclosing the names of those with whom he has peaceably assembled to discuss public affairs in this country."

Whatever merit there had been in my stand, I scarcely believed that a justice of the United States Supreme Court would liken my case to that of John Bunyan. In closing his dissent, Justice Black made a prophecy. "My guess is that history will look with no more favor upon the imprisonment of Willard Uphaus than it has upon that of Udall, Bunyan or the many others like them. For this is another of that ever-lengthening line of cases where people have been sent to prison and kept there for long periods of their lives because their beliefs were inconsistent with the prevailing views of the moment. The grounds urged by the attorney general of New Hampshire here are, as shown by the cases of Udall and Bunyan, precisely those that have always been urged for throwing dissenters in jail, namely, that they are a menace to the country and it is dangerous to leave them free."

Taking account of my associations, upon which the prosecution had mainly been based, Justice Black declared that "Even if it is true"—my having been in the company of Communists—"and those associates are as bad as they are suspected to be, it is my belief that our Constitution with its Bill of Rights absolutely forbids the imposition of pains and penalties upon him for peaceably assembling with them.

"That great charter was drafted by men who were well aware of the constant danger to individual liberty in a country where public officials are permitted to harass and punish people on nothing more than charges that they associate with others labeled by the government as publicans and sinners."

November 14 spelled the end of all legal effort. The days between then and December 13 would be trying, especially with Wyman's threat over me. But the spirit of the Black dissent and other evidences of support sustained me. I came to appreciate all the more the year-long concern of my two religious counsellors, the Rev. Bradford Young, minister at Grace Episcopal Church in Manchester, and the Rev. Paul A. Stauffer, minister at Wesley Methodist Church in Concord. Brad visited me frequently during the first half of the year, as did Paul the second half. I found relief in discussing my personal and legal problems with them, and at times in pouring out my heart to them in letters.

Besides, I was really ashamed to let Ola look through the screen on Wednesdays at a long face, for she could now say, "Take courage. After all, Bunyan was in twelve years."

[CHAPTER TWENTY-TWO]

The day all this had been leading up to was here. Every legal means to have the original contempt ruling reversed had been tried, but here we were, on December 14, 1959, back where we had started, at the Merrimack County Courthouse in Concord, New Hampshire.

The day was bleak and bitterly cold. In spite of the weather, some fifty or more of our friends, from New York, Connecticut, Massachusetts, Maine and New Hampshire, gathered on the freezing lawn with Ola and me. Loyd Worley asked us to bow our heads in silent protest. Then he read aloud the First Amendment, and the sections of the Bible I leaned on as the basis of my refusal to deliver the names.

As Ola and I turned to go inside, the group with one accord broke into Martin Luther's old hymn, "A mighty fortress is our God, our help in ages past. . . ." With their voices ringing in my ear, I pressed Ola's hand and left her, to go to the courtroom through a side entrance with my attorneys.

It was the same square courtroom, but how different it looked. Today the big room, the hall, both sides of the divided marble stairway, and the rotunda below were packed with people. Today the press section was jammed with extra chairs, for the Uphaus case was now international news. Even the oak-framed portraits on the wall were crowded today, for back of the bench in that courtroom I could feel the presence of the three New Hampshire Supreme Court judges who had upheld Judge Grant, and with them five justices of the United States Supreme Court. The spirits of the dissenters were, I felt, out in the halls and on the lawn with my friends who could not get inside.

I sat down at the table with my attorneys, Roy and Hugh. At the next table was Wyman, looking older than when I had first seen him and not quite so cocksure in his manner. I had read his latest statement to the press in the Manchester *Union-Leader,* and I remembered it now.

"There should be no misunderstanding about his position," Wyman said to the reporters, speaking of me. "The claim that he cannot disclose the information for reasons of conscience or religion is a pretense and a sham . . . I expect when the chips are down, Uphaus will produce it. If he does not he will, of course, be in contempt of court. It should be remembered always that he does not need to go to jail, even for five minutes. The choice is his."

It was true. I had the key to my freedom in my pocket, as Justice Clark had pointed out in the U.S. Supreme Court majority opinion. I had only to obey the court order and I could walk out of there a free man. How simple—and how utterly impossible for me!

Quiet settled on the room as we waited. A clock on the wall ticked away the minutes. I looked for Ola; I couldn't see her, but I could feel the strength of her presence. I learned later that she managed to make her way through the crowd to the door, where the guard, told she was Mrs. Uphaus, allowed her to enter. She found a seat by Ruth France on the last row against the wall.

Then the bailiff's voice rang out: "His honor, the Court!"

We stood while Judge Grant rustled in, looking, in his black robes, as if he had been born to be a judge. What was he thinking, I wondered. His decision had been right—the supreme court of his state and the Supreme Court of the land agreed that it was right. But now here were these crowds, the press, the petitions; here was that same recalcitrant witness before him, all as if he had been wrong.

We had one very hopeful new point to argue, and Hugh Bownes presented it forcefully. While my appeal was waiting its turn on the U.S. Supreme Court docket, the New Hampshire law which authorized Wyman to make his investigation expired. The new Subversive Activities Law enacted by the legislature in June, 1957, did not authorize the attorney general to determine whether or not there were subversive persons within the state. So now there was no basis in state law for Wyman's demand for the guest list.

Judge Grant left the courtroom to consider this argument in chambers. Tension mounted. There was a chance, a real chance, that the case might be dismissed then and there. After an unbearable interval, the bailiff called us to attention once again. As Judge Grant re-entered I could read nothing in his face.

"Motion denied," he said. It was spoken so quietly. With such finality. With these words I saw my last avenue of escape close down.

Roy then spoke, pointing out that the original terms of my commitment would mean my imprisonment for life, a punishment reserved for heinous crimes.

Judge Grant listened, then addressed me in a kindly tone. "Dr. Uphaus, your counsel has said you would not alter your position, but before you make that final decision I ask you to consider that this is not a contest between you and the attorney general. He was acting under authority of the General Court of New Hampshire, and the decision in this case was reviewed by two higher courts . . . I ask you now if you are going to comply."

I stood to reply. I reminded the court that at no time had any guest or speaker at World Fellowship suggested or intimated in any way a thought of subversion or of overthrow of the government of state or country by force. My abhorrence of bringing innocent people to public scorn was not out of keeping with the constitution of New Hampshire, or the Constitution of the United States. My conviction that it would be wrong to comply, I said, grew out of sixty-nine years of living here in America, and in the tradition of my country I could hold no other belief than that it would be mean and contemptible to do what I was asked to do. I did not want to be contumacious, but courts had before now changed their opinions, and they might someday do so in this matter. I hoped to see the day when inquiry into the thoughts of people would be recognized everywhere as unconstitutional. Teachings of both the Old and the New Testaments upheld me in my conviction that it was wrong to bear false witness.

"Before God and before my friends, I can do nothing else but say, 'No, Your Honor.' "

Character witnesses were then allowed to testify. Reverend George Teague, my pastor in New Haven, author of one of the letters read into the record in 1956, was there in person this time. When he spoke of differences of opinion that had arisen between us, the judge looked up. "But," George added, "I have come to agree, and my advice to him is to follow his conscience."

When he had finished, Judge Grant asked, "You say that some in his church differed with him?" as if to take comfort from that knowledge.

It seemed to me that that indeed was the crux of the matter. It was my thinking, nothing more, that had brought me to this courtroom this day.

George Butler, my old friend and a former pastor, also testified for me. He told of working with me in the Religion and Labor Foundation in the Depression years, and in the church itself. And Reverend Robert Gussner, regional secretary of the New England Fellowship of Reconciliation, presented a petition signed by 119 prominent people on my behalf that the Reverend John Swomley had gotten together. I was especially grateful for this support in view of the fact that I had differed with the Fellowship of Reconciliation over my willingness to work in a peace movement that they felt was "using" me. They had nonetheless made up an independent committee for my defense.

Wyman waived examination of these three witnesses, and it was all over but the sentence. The judge wrote for what seemed a long, long time, then handed the writing to the clerk.

"Will Willard Uphaus kindly rise?" I rose. The clerk read.

I was found and adjudged in contempt of court, and ordered committed to the Merrimack County jail for one year. . . .

Thankfully I heard those two last words. At least it was not an indeterminate sentence.

. . . or until I purged myself of contempt, or until further order of the court.

My lawyers asked a stay of sentence pending appeal on the basis of the argument made at the beginning of this proceeding. The request was denied. The reality was at last before me. I was going to jail.

The sheriff claimed me and led me to an anteroom. I was spared handcuffs, but a deputy guarded the door. Ola came in, and I heard her say, "We are no longer ourselves. We are something much bigger." Then she was gone. A deep inner calm sustained me. I did not see her again, for the guard would not allow her in when she returned from the hotel with a few of my personal belongings.

I walked out of the anteroom with the sheriff to the head of that long flight of marble stairs leading down to the rotunda. Flash bulbs spat and blinded me, but I could hear several hundred voices singing "America" as we made our way through the crowd. They were singing the words as Southern Negroes sang them. "*Soon* may our land be bright with freedom's holy light. . . ." I wiped the tears from my eyes and hurried down the stairs out into the darkness.

I remember little of that fourteen-mile ride on the back seat with the deputy as Sheriff Parker drove us through the night. I roused myself when the deputy called my attention to the cheerful Christmas lights in the windows of the county hospital, or rather, the home for the aged, across the highway from the prison. Yes, it would soon be Christmas, I thought dully, the season of peace and good will among men.

Just then we turned, pulled up in front of another lighted building. There we got out of the car and entered a small waiting room, where Sheriff Parker turned me over to two other men. A form was filled out, I was frisked for dangerous weapons, and the reception was over. Following a habit of long standing, I asked the two new men for their names on a slip of paper. They were surprised, but wrote their names for me.

Superintendent James J. Treloar
Jailer Douglas Parsons

My keepers.

I glanced backward at the Christmas lights across the road as I was led up a flight of stairs. I walked alone into my cell. My spirit sank at the soulless clang of the steel door closing behind me. While I stood there I heard for the first time the deadly rattle of the jailer's keys. Footsteps echoed on the stairs, and I was alone.

I sat on the metal cot—there was no chair—and stared around my cell by the light of a single electric bulb high on the back wall. My home was six feet by eight. The back and side walls were of steel, the front was barred like a cage. Through the bars I could see a narrow steel catwalk, and beyond that on the far wall, about eight feet beyond my cage, I could see a barred window. On my cot was a thin mattress, with sheets and a blanket. In plain sight at the back of the cell were a wash basin and an uncovered stool.

I opened the suitcase Ola had given them for me and took out my personal belongings, for all the world as if I were in an unfamiliar (and poorly furnished) hotel. The weird analogy was heightened when my jailer, Parsons, came back up with a tray of food. I had arrived after the regular evening meal, but he had very kindly managed to find for me something to eat.

After he had left, this time for the night, I quickly became aware that I was not entirely alone. I was on the upper tier of cells, and there was no one else on that tier, but I could hear men stirring below. Then one of them shouted up a greeting. Gratefully I replied. Back and forth we talked, although we couldn't see each other. They had been following the day's events by radio, they told me, betting among themselves on whether I would go free or be brought to share their life at Boscawen.

"Hey, Doctor, do you need anything up there?" one voice called out. "A pencil maybe?" another chimed in.

"No, thank you, I have a pencil."

"How about some paper, Doc?"

"No, thank you very much, I have paper, too."

Exhausted as I was, I hadn't the wit to accept what was offered in such a spirit whether I needed it or not.

"Hey, Doctor," said the first voice, "how about a cup of hot chocolate?"

"Okay—wonderful!" I answered gratefully. I couldn't see them, but I could kneel and reach through the bars to receive a cup of chocolate from their hands. I was not, after all, alone.

[CHAPTER TWENTY-THREE]

My first night in prison seemed endless. My bones ached fiercely on the hard narrow cot. A car swishing past on the highway tantalized me with the sound of freedom. I had just managed to doze, it seemed, when, with a bang and a clatter, a guard that I had not yet seen came to rouse us. It was 5:45. I doggedly kept my eyes closed until he came up. No doubt to find out if the oldster was still alive, he called out a genial "Good morning!" and unlocked my cell door.

I expected to see the other inmates at meals, but no. Some of them were given their meals in their cells for reasons of punishment or security. For the others, a narrow board clamped the length of the bars on the far side of the catwalk served as a table.

Breakfast was ample if not appetizing. All the food was cooked in the county home where I had seen the Christmas lights, I learned, and was brought across through a tunnel. It was often not even slightly warm when it reached the jail.

After breakfast I waited to see what would happen next. To my surprise—nothing. All that day, the prisoners in my part of the jail sat in idleness. They had one or two packs of cards, a few picture puzzles and a pile of cheap magazines long out of date. The authorities provided no reading matter, not a Bible or a daily paper. They had radios, as I knew. Their interest in sports was high, but most pathetic to me was their intense concern with what was happening in their law-breaking fraternity outside. They spent the day damning the officers of law and society, complaining about inequalities of punishment that were hard to understand, griping about the tasteless food, and eagerly discussing any scrap of criminal news they could glean. The judge had given so-and-so more (or less) than he deserved; such-a-one had got what was coming to him. Another was active again, but would never be caught. Clever so-and-so had got off scot free.

During my first morning in Boscawen, Ola, Roy and Ruth France, and Irma Otto, who drove them to Boscawen, were permitted to see me. Superintendent Treloar was very kind, and assured Ola that I would not be mistreated. Yes, he said, I could have a typewriter. (I gathered that I was the first inmate ever to ask for one.) Yes, I could have a table for it, and a chair—I could even have a desk light to work by. I could have a radio. I could send and receive letters, although of course they would be read for security reasons. (Little did they know what a job *that* would turn out to be!)

I felt much more serene after the brief visit, strengthened as always by Ola's love and courage, and glad that I would be able to start on my job of appealing to the American people. But the stark fact of confinement took me by surprise all during the day, never failing to depress my spirit. Time after time, I would catch myself staring at the barred window on the opposite wall. I saw it through the bars of my cell, the bars on the catwalk and across the intervening space, and all I could see through its bars was a tiny patch of sky. That patch represented the sum total of my liberty.

That was the hardest thing I was called upon to bear, there in Boscawen—the confinement. The only space I had to move about in was between the bars of the catwalk. In the narrow forty-foot passage, it took sixty-six round trips to make a mile. Eventually arrangements were made for me to be taken to the county home across the road for osteopathic treatment once a week. The treatments, paid for by a sympathizer in New York whom I had seen only once in my life, were a welcome physical relief, but the chance to be out of doors, outside the bars, if only for a few minutes, was an even greater relief to my spirit. I never knew before how blessed is the right of movement. A daily walk, the good earth underfoot, the sky overhead and the breeze in one's face represent to me the height of luxury.

Next hardest for me was the feeling of isolation. As one who loves the company of people, I had an aching sense of loss. The jailer's keys rattled with a dreadful sound as he went to and fro, locking me off from the world I had known.

But as the days went by, I learned to know this different world. I found that even prison bars, cold, hard, degrading as they were, had their uses. I could press my cheeks against them. I could poke my nose between them. And when my back ached, I could hang by them to relieve the strain.

Within a week or two, books, magazines, letters, cards, and gifts began to pour in, and my little cell began to take on some of the aspects of a home. The walls were soon crowded with mementoes. An imposing view of Mount Chocorua, painted by my Quaker friend, John Pratt Whitman, I hung above my newly arrived writing table. Below it I put a tinted photograph of Ola and me, sent by friends at World Fellowship. Around it I stuck drawings and messages of love from the children at the Center. On the opposite wall I hung a large photograph of Mont Blanc and another of the matchless Matterhorn.

Ola and others brought flowers until my cell overflowed. I gave a potted geranium that George Ackerly brought me to my jailer, Parsons, when I found it couldn't get enough sunlight to survive in my cell. He put it in a window where it could be seen from both inside and outside the jail. He and the other guards took such loving care of it that it is thriving there now.

When I, too, began to fade for lack of sunshine, Ola got permission to bring me special foods so I could "eat the sun." She brought me fruits, nuts, raw vegetables and the like. Soon other friends took up the idea, and I began receiving cakes, candies, home-baked bread, sunflower seeds and different kinds of health foods. A Canadian man sent alfalfa, which he was sure would keep me fit.

When my cell was almost completely jammed, the jailers opened the one next to mine and let me use it. When that, too, overflowed, they gave me the use of a third one. I busied myself classifying the cards and letters that cascaded in by state and country, alphabetized them and filed them in bundles between the bars. I laughed to see that my upper tier resembled a post office.

At first I was constantly astonished at the things I was, and was not, permitted. Eventually I realized what a problem my presence posed for my jailers. Be it said to our country's credit that we have had little experience with political prisoners, and rules for dealing with them are not established. Parsons, the guards, and even the other prisoners, had to improvise as they went along in their relations with me.

Luckily for me, Parsons was a humane man, willing to do all he could for me, and for the others committed to his jail, within the framework of regulations. He had a job to do, and he did it well, but he was free of any desire to gratify ambition at our expense, and it gave him no personal satisfaction to prove his power over us. I read later with regret that he had been discharged, and that one of the reasons given was that he had given special favors to Willard Uphaus. Had he been another sort of man, my year in prison would have been a far more trying experience than it was.

A letter from my old dear friend, counselor and religious mentor, Dr. Ward, then eighty-six years old, helped me to break the feeling of isolation. "Besides the love and prayers that bring the spirits of your friends," he wrote, "your cell is full of the presence of that great company who, from the first days of our faith, have chosen prison, torture and death rather than the betrayal of its principles." Reading those words, I thought of Jesus, of Paul and Silas, George Fox and John Bunyan; and of Walter Rauschenbusch, Eugene Debs and Gandhi. With company like that, I could not feel alone.

One day Daniel North, a young reporter from the Claremont, New Hampshire, *Eagle*, was allowed to see me. He had visited Ola and me in New Haven to get material for a series of articles for the *Eagle*, and these and his feature articles for the *New York Post* had done much to focus attention on my cause. After this visit he wrote of me as a prisoner in Thoreau country. Thoreau I had known and loved since high school days in Indiana, but it hadn't occurred to me until I read Dan's article that the Merrimack River Thoreau loved wound its way in back of my jail. "Must the citizen even for a moment or in the least resign his conscience to the legislator? . . . I think that we should be men first and subjects afterward." Here indeed was a kindred soul to rob confinement of its sting. Who could ask for better company than this?

And like Thoreau, "I saw yet more distinctly the State in which I lived," gaining some radically different points of view as I came to know the other inmates. They had offered me the cup of kindness on my first night there, but it took time to work out a basis for real communication. First I learned their names, and learned to connect them with the different voices. For awhile we made a game of seeing how quickly I could identify each voice. Then George, whose outgoing tones had been the first to shout a welcome, contrived a way to introduce me to "the underworld," as he called it. He held a mirror through the bars below, angled so I could see all of their faces and thus add a mental picture to the names and voices.

Most of those in the block below me were the common run of offenders—the drunks, the petty thieves, the sex perverts, the wife deserters, the traffic violators. There were some, lodged with us more for charity, whose only crime was to be homeless and friendless. We were all locked together in this section of the jail without regard to age or crime, ostensibly because our terms were short, although some were there for months before their cases even came to court. The fact was that under the outmoded New Hampshire prison system there was no other way to deal with us.

I could keep busy with planning for my days of freedom, with the work on this book, with answering the swelling stream of mail; I could lose myself in reading, and fondling the gifts that came to me.

But what of prisoners who had no mail, no family and friends, no gifts, and no background for intellectual absorption? For them nothing was provided—no program, psychological or spiritual; no opportunity for constructive, regenerative work; no sports as outlet for energy and enthusiasm; nothing but the steady stream of small talk, habitually clothed in filthy language, the radio, the grubby packs of cards, and boredom. It was truly shocking. I lent them books and periodicals, and was fascinated to see what each one liked.

There was one inmate who prayed earnestly each night before going to sleep but woke up swearing violently each morning. His confusion was more obvious, but no more real, than the others'. As I came to know them, I saw that here were men most of whom had religious feelings even when they hid them, and all of whom were desperately in need of help in facing life's perplexities, but no one came to help them. The least sign of recognition, I found—a smile, a wave, a friendly word—met with eager response. Whatever crimes they had committed, it was a crime against them that there was no program for pastoral calls, church services, creative labor, or counseling of any kind.

Many found great relief in unburdening themselves to someone who would listen with real interest, even when they had to shout their confidences to a someone on the upper tier that they couldn't see. I was startled by the intimate personal problems they would sometimes discuss with me, matters I wouldn't have dared to ask about. What a senseless waste to keep those men there, and offer them no help in learning how to stay out once they were released!

There was one, a husky, friendly Negro whom I never once saw, but whose laugh was the heartiest I ever heard. He became a very real personality and friend to me. He had built up a good business as a house cleaner and was quite solvent, but he was in jail for non-support. He'd rather "sit it out," he said, than pay his wife or former wife. His sensitivity and philosophic understanding were far above average, but he could find no better way than this of dealing with his problems.

Another was a man in his late seventies, a well-known Concord character. His life had settled into a neat routine. Each month when his Social Security check arrived, he first paid his debts, then spent the rest on drink. He was famous for his capacity, and for conscientious payment of his debts. When the money was gone, he would borrow for more whiskey, and when he had borrowed up to his debt limit, he would go to the city court and ask the judge to give him thirty days. After that he was in shape, physically and financially, to start the cycle all over again. He was as spry as a cricket, and would each Wednesday sit at a window in the House of Correction to tally my visitors and see what each one brought for "the Doctor."

Then there was a slight, effeminate man, about forty, who came of a wealthy family in a neighboring state. Once he spoke to me about his childhood. He was driven to school in a limousine, he said, miserable because he wasn't allowed to walk or ride a bicycle like the other children. He spoke of his travels abroad. His family's friends included British royalty, and he himself remembered being introduced to the Archbishop of Canterbury. His story had the ring of truth, even in that unlikely surrounding. He had played the organ at various churches as a vocation. He could have had ample income from a trust fund, had he not disdained help from parents he held in contempt. But he was in Boscawen jail for forging a check. It was not the first check he had forged, nor yet the last. The reason he had forged the check was to pay for a magnificent hi-fi set and records, but the real reason, it developed, was that he hoped to be transferred to the state mental hospital. He was tired of struggling in a world that had no place for people like him.

Another inmate was a member of a prominent New Hampshire family, in jail for taking dope. He was deeply attached to his family (although they probably would not believe this), and ashamed of the disgrace he had brought them. He was in the Pacific during the war, and claimed he had been given "pep" pills to keep him awake while on missions. Home again, he found he needed drugs and drink, and he got them. I felt that basically he was a frustrated idealist. It was not that simple, of course—it never is—but he had qualities that made us all want to help him. Parsons, George and I all worked hard to build up his confidence, and it seemed, for a time, that we succeeded. When he was released he went straight to World Fellowship to help Ola. His New England father had taught him to work, and his skills were a great help at the Center, but he couldn't stick it, and eventually disappeared.

New Hampshire, like other states, has its "sin" taxes, and one of these alone, the tax on liquor, yields millions of dollars. Why could not a fraction of this money, I wondered, be used to help those held in jail at the taxpayers' expense to find a way to manage their freedom so that they can keep it? Parsons, the jailer, understood these difficulties. He told me that he had once staked a prisoner with $200 of his own money to help him get a start. Parsons was severely criticized for this, but he had the pride and satisfaction of knowing that the man made good. Parsons had the interest, patience and understanding to help, but he was bound by the rules.

The man I came to know best was George, he of the warm, welcoming voice from "the underworld." He was a construction worker, a union man, about thirty years old. He had been raised in the Catholic faith, was married and had four children, whose pictures he proudly passed up through the bars to me. Conversation with him was doubly welcome to me because he had read and thought a great deal, had fashioned for himself strong convictions, and never used a foul word. His questions were sharp and perceptive. We argued at length about politics, religion, unions, peace and war. Once he said to me in exasperation, "I'm afraid you're going to convince me of something I don't want to believe!"

I had gradually learned to appreciate, if not always to enjoy, my lonely position on the upper tier, for it gave me a modicum of privacy in which to think and work, as well as more space for my papers. For all that, I was glad when George prevailed upon the jailer to let him move to the upper tier with me. (The newspapers had been asking why I was kept in "solitary confinement." I wasn't, of course; it was only chance that there were no others on my tier, but perhaps the question influenced the jailers.) In any case, up he came, and stayed until the end of April shortly before he was released. We developed a firm and lasting friendship.

There was no trace of the criminal in George. How, then, had he entangled himself with the law? Foolishly. He had paid a gambling debt with a check on the understanding that he would cover it at a specified future date. The check was cashed before that date, bounced, and George was brought to court. He was given a mild sentence and released on probation, one of the conditions of probation being that he was not to leave the state. Very foolishly he drove one day to Massachusetts, was caught, and landed in the House of Correction, the other end of our building where those convicted of misdemeanors were confined. Inmates of the House of Correction are allowed out to work on the grounds and the farm. Rebellious, defiant and still foolish, George made a break with another prisoner. They were picked up, sentenced this time to a year, and transferred to the jail section for security.

Throughout his court and prison experience George was without legal counsel. Money was the reason, he declared. I learned on good authority, later, that he might legally have had five days to clear up the matter of the check. His imprisonment always seemed unreasonable to me.

The fact that George was still technically an inmate of the House of Correction worked to our advantage, for visiting day there was on Saturday. With Ola bringing fresh foods and treats on Wednesday, and his wife doing the same on Saturday, we were able to supplement the prison diet. I got permission to share with the other prisoners, and Wednesday was promptly dubbed "goody day" by our cheerful little seventy-year-old drunkard. This helped morale enormously. Since Wednesday is a working day and a school day, few visitors were able to come; it was good for us all to have something break the monotony.

In normal life, Sunday is different, even for those who never go to church. You may sleep late. You may play a game in the afternoon, or watch one. You may call on the folks. People drop in. You wear different clothes, keep different hours. Whatever you do, the change makes for physical and psychological regeneration. Sunday was the worst day of all at Boscawen, simply because it was no different from any other day. The cell door banged at the same early hour, we wore the same somber dungarees. There was no chapel or religious service of any kind, nothing to mark the end or the beginning of anything. Whatever interests we managed to maintain during the week we had to sustain on those dreary Sundays. I was able to tune in on religious services, and, at times, on desirable musical programs.

One Sunday in late November was different with a vengeance, however, and in a rather terrifying way.

[CHAPTER TWENTY-FOUR]

In the world outside the Boscawen jail, the controversy raged at white heat. The press and the churches had taken the lead in defending the cause of civil liberties and freedom of conscience against attacks of the conservative forces. (See the Appendix.) The battle lines were drawn about me and the others who were then in prison for similar reasons. In between were the vast majority of uninformed, bewildered people.

I could follow the struggle by means of the newspapers, magazines and radio, but the honest bewilderment was most apparent to me in the many letters that poured into my cell each week.

One question that was raised again and again by troubled writers was: Why did not those whose names I was protecting by my silence come forward themselves, if they had nothing to hide? How could they leave me there in jail unless they were in truth guilty?

The fact is that some of our World Fellowship guests did identify themselves to the attorney general and to the press. Several times they even considered coming forward as a group. I never encouraged the idea that they as a group should do what I as an individual would not do, nor would Ola hear of it. That would have been a violation of the principle I had gone to jail to defend. They had every right to come to World Fellowship, to hear what was said there and to take part in the discussions. Why should they have to report their presence to a law officer? Such inquisitions feed upon themselves; eventually any organization in the state might then face a similar requirement. The pressure to conform, as ministers and educators especially know, is constant, and must as constantly be resisted.

Another question that troubled the letter writers greatly was: How could I refuse to accept as final the authority of the United States Supreme Court? After all, I had been asking the people in the South to honor the Court's ruling on integration; how could I defy it in my own case? Could the Supreme Court be pleaded as the final authority in one area (race segregation) and denied in another (civil liberties)? I had had every opportunity of due process—if I refused to obey that judgment, the letter writers asked, what alternative was there for our legal system but to punish me?

A New Hampshire minister asked this question in the *Christian Century*. The editors reply:

"We believe the Supreme Court's majority of five is wrong and minority of four is right. We recognize that the majority makes the law, but we think majorities and laws can be changed, and we commend Dr. Uphaus for invoking the nation's conscience by his own conscientious act of disobedience. The situation would differ if the Supreme Court had acted unanimously in his case, [as it did in the school segregation case] although the Christian can never . . . rest his case entirely with the law."

To me, the answer comes to this. The laws are, or should be, the conscience of the people committed to writing, and they are to be obeyed until changed. But what is the price of change? It is at this point that the responsibility of the conscientious citizen appears, when he believes in his inmost being that obedience to Caesar means disobedience to God. I meant it with all my heart that day in court when I said to Judge Grant that it was not my purpose to be defiant or stubborn or contentious, or to put myself above the rulings of the court. In my own case, moreover, I felt that I was actually upholding the law of the land, and as to the meaning of the

First Amendment four justices of the Supreme Court agreed with me.

The necessity for the individual to exercise his own judgment, when the law demands one thing and his conscience another, is gaining recognition everywhere in the country. The altogether remarkable fact about it is that even in that time of pressure and fear and conformity, the voice of the single protestant could still be heard in the land. I had to be willing to go to jail for life if need be for my obedience to the higher law, but I was far from being the only one. Even at the time a score of First Amendment defendants had already served or were serving prison terms, and others were facing the same punishment. Still others were in jail for setting themselves against the state in its preparation for war, and hundreds more were soon to overfill the jails in the South as "Freedom Riders." They did far more than I did, for they took their lives in their hands when they volunteered to make a test of the law, and they endured hardship far greater than any I had to stand when they were put into the jails of the South.

At just about this time, Dr. Linus Pauling, one of our foremost scientists, was called upon by a Senate subcommittee for names of those who had helped him circulate a petition protesting the manufacture and testing of nuclear bombs. When he refused, Senator Cotton of New Hampshire asked him if he remembered that I was in jail for such a refusal. Dr. Pauling replied that indeed he did know about Willard Uphaus, and hoped that he would have the courage to do what I had done. The outrage of the other members of the subcommittee at the New Hampshire Senator was so great that Dr. Pauling was not pressed further. One wall of my jail cell was thereafter decorated with a beautiful painting of a promontory overlooking the Pacific, painted and sent to me by Ava Helen Pauling, Dr. Pauling's wife, with a note saying, ". . . and thank you for going to prison for all of us."

I knew, too, that when the Governor of New Hampshire went to New York to open a tourist information center there, he was met with pickets. As governor of a state that depends heavily on tourist trade, he was shaken when the photographs appearing in the newspapers next day showed him among signs reading "New Hampshire, the Mississippi of the North," instead of with pretty girls as he had planned.

Every third Wednesday of the month the people of Concord found a group standing on the State House lawn carrying Uphaus signs, in silent protest. By May more than a hundred students from New England colleges were taking part in the demonstrations.

If our opponents had intended to run World Fellowship out of New Hampshire, they failed utterly. I was comforted by the fact that the Center carried on in my absence. The spirit and attendance grew. Dryden and Margaret Phelps who had known Ola in China came from California to help her with the program and administrative work. Marion Munsell took care of the heavy correspondence and other responsibilities of the office. The entire staff, including the young people and many volunteers in New Haven, New York and New Hampshire, made an extra effort to see that things went smoothly. I was made joyfully aware of their intense loyalty each Wednesday afternoon when they appeared with numbers of World Fellowship guests in front of the jail to cheer me with their gifts and songs.

In October, 1960, Arthur Harvey, a New Hampshire farmer, ran little 1-inch advertisements in all the New Hampshire weeklies inviting people to join him in a door-to-door campaign about the Uphaus case. He and those who responded organized Homage-to-Uphaus Week, to culminate in a twenty-four-hour vigil outside the jail on October 22-23. I was prepared for the action outside the jail, but what I was not prepared for was the reaction on the inside on that harrowing Sunday.

The weather was as cold and ugly as late fall weather can be, but the vigil-keepers formed up outside the jail at six o'clock of the Saturday evening. They posted themselves at intervals around the jail, and held their posts through the long bitter night. I wondered what passing motorists, seeing the pickets and the flares, made of the weird sight. Inside, the men would report to each other what they could see from the different cells, and so pieced together an accurate picture of what was going on.

Next morning, instead of opening the cells so we could move about on the catwalk, every prisoner was given breakfast inside his cell. Nervous about the effect of the vigil on the inmates, the prison authorities had ordered us all confined to our cells at its beginning, and until the demonstration was over, twenty-four hours later.

For a while, the men took this curtailment of their only vestige of liberty in sullen silence. The silence became ominous as the hours wore on. Then the arguments broke out. I tried as best I could to explain what the vigil meant, but the men, caged animals now, were in no mood to try to understand something that was beyond most of them. All that they understood, all that they wanted to understand at the time, was that they were in solitary confinement because of me. I was different—I was not like them, I didn't really belong there at all—and now *they* were being made to suffer for my stubbornness.

"You could get out of here any time you want to," shrieked a man rattling the bars of his cell in fury. The others took it up, venting their anger on me, at times at the top of their lungs, and drowning out my repeated attempts to explain once more why I couldn't give in.

It was then that I learned fully to appreciate my friend C, the house cleaner who refused to pay alimony. He understood the moral and political implications of my imprisonment, and he understood the others, too. At a lull in the uproar, he took charge. He explained the situation in their terms, and gradually the fury subsided.

"Just settle down, boys," said C. "No one's goin' to hurt you or anything. If those people out there plan to stay twenty-four hours, they'll stay. Just calm down, take it easy."

By this time it was late in the Sunday afternoon. The crowd outside had grown to thirty or forty. One prisoner reported that Ola had joined them.

Then some young people with banjoes arrived, and soon the crowd outside was singing. We could get glimpses of them through the slits, and hear the songs. They sang folk songs and hymns. Ola must have told them that my favorite hymn was "Faith of Our Fathers," for they sang it several times. Then they yelled to ask what songs the men would like. The prisoners called back, and soon we inside the jail were part of the demonstration.

When the vigil ended and the cells were finally opened, the men's whole attitude toward me had changed. An Italian inmate who had sworn monstrously against me sheepishly asked me to forgive him. Others, too, tried to make amends. One man, recently moved to the upper tier where I was, seeking desperately for some gesture of friendship, finally offered to trim the long hairs in my ears. I let him. From somewhere appeared a toaster and some instant coffee, and the long vigil ended on this note of good fellowship.

Another vivid memory of my year in Boscawen is of Thanksgiving Day. I had been born on Thanksgiving Day, but I tried not to think of birthdays in that place. At noon, Parsons came to my cell. "Doctor," he said, "the boys on the other side are having Thanksgiving dinner. I think it would be nice if you would come over and say grace for them. Are you willing?" Of course I would be glad to. He accompanied me down the stairs, through the door and across the hall to the House of Correction dining room. The men imprisoned there ate together, and about thirty of them were around bare tables. The usual pandemonium of mealtime was on, and it was with difficulty that Parsons obtained order. As I started my brief prayer, however, the men fell silent.

I would have liked to stay and eat with them, but was taken back to my own cell to eat alone. Just a little later Parsons returned and reported to me, with deep feeling, "Doctor, when I got back they were quiet still."

On the evening of this Thanksgiving Day I found among my papers the following prayer:

> Oh, Lord, we pray for a society that calls itself Christian, yet blights the flower of youth, and then casts off those who have fallen by the way. Somehow, O God, touch the callous of heart, who, seeing the fallen victims of our social sins, pass coldly by on the other side without penitence for their share in a common woe. Our Father, give us the strength and vision to recast the foundations of our present order so that all may be upheld by the sense of sharing in the good life. Give us the wisdom to see life whole.

On it I wrote, "Help me, O Lord, to remember."

[CHAPTER TWENTY-FIVE]

It was December, 1960, and once again I was the only inmate lodged on the upper tier. It looked different there now. Hugh Bownes, my New Hampshire attorney who had come to visit me many times, looked round him with amusement. He was astonished at the paint job. I told him about my friend George, who had shared the upper tier with me for months. George had now been released, had taken his family with him to Oregon for a fresh start, and was making good. One day while he was still in Boscawen, we had asked Parsons if he could find us some paint so we could freshen up the dingy walls of our cells. Parsons came back with all the odds and ends of paint he could find, and we set to work with a will. When we finished, the upper tier sported a gaudy cheerfulness, with one cell painted green, another pink, a third blue, and so on. We marked the catwalk off into squares and painted them alternately gray and black, telling ourselves that all we needed was a potted plant to make it look just like a hotel lobby.

Hugh surveyed the vast accumulation of papers, letters, files, magazines, books, writing materials, paintings and photographs, and suggested that I start packing. I was acutely conscious that my year was almost up, but as the fateful day, Tuesday, December 13, drew near my spirits alternated between exhilaration and depression. Such hopeful plans were made for my release! My friend John Erb had asked me to preach for him at the Copley Square Methodist Church in

Boston on the first Sunday after my sentence had run. On Christmas Day I was to speak at the Boston Community Church. A thousand tickets had already been sold for a dinner sponsored by the Emergency Civil Liberties Committee honoring Dr. Linus Pauling and me. Other projects were lined up and waiting for the day.

Jailer Parsons had brought several boxes to my cell, but every time I made a start at packing, the words of Supreme Court Justice Black came back to me. Justice Black had said, "The distinct possibility exists that this man, who, at least as far as these records show, has never committed a single crime, nor even so much as an immoral act, faces imprisonment for the rest of his life." And it was so. I still had not "purged myself of contempt." And even if I were indeed released, there was no assurance that as I stepped over the threshold of the jail, Wyman would not have me served with a new subpoena and start the whole dismal business all over again.

I knew that the newspapers, radio and television were speculating on whether or not I would be freed. The Manchester *Union-Leader* was screaming hysterically for my further detention, and many others felt I should be confined until I handed over the names. Wyman had in fact filed a petition with Judge Grant asking that I be kept behind bars until I did as I was told. One practical-minded Merrimack County taxpayer had written a letter to the editor advocating my transfer to the state prison so that the whole state would thereafter share in the expense of my "free room and board" instead of only the Merrimack County citizens. So an almost superstitious dread kept me from continuing with my packing.

On Friday, December 9, I learned that Judge Grant had denied Wyman's petition, and my spirits rose somewhat, only to be dampened again by the thought that Wyman would find some other means to keep from being thwarted.

On Sunday morning, December 11, I was sitting in my cell trying to control my hopes and fears, when a guard came to escort me downstairs. Robert Reno, who had joined Louis Lusky in the final effort to have my case heard before the U.S. Supreme Court, was waiting there, tall and dressed in what looked like his Sunday best, a pleased look on his face. Once he had entered the case, Bob, like Hugh Bownes, visited me numerous times, not only to discuss matters of law, but to boost my morale and discuss broader social issues and analyze public opinion. Before he could tell me what he was pleased about, he was called out of the waiting room. Hoping desperately that he had good news about my release on Tuesday, I composed myself as best I could to wait for his return, my eyes glued to the door. After a short but interminable interval, *Ola's* face appeared behind the glass in the door. She was smiling so happily I wondered if it was a dream. The door opened and she came in with Superintendent Treloar, Bob and Hugh Bownes. Treloar handed me a paper, and I could tell from their expressions that it was good news.

With incredulous eyes I read Judge Grant's order for my release, not on Tuesday, but on that very day, Sunday December 11—two days before the end of my sentence Ola had come to take me home!

After that everything happened very quickly. There was no time for explanations—we must leave at once. Ola was allowed to come up and help me finish packing, since there was no one else on my tier. Hastily and happily, we crammed things into boxes helter-skelter. My own clothes were brought, the same ones I had worn that day so long ago in court. How good to get out of those dungarees! A friend from the House of Correction, a man who had given me a haircut in anticipation of my release, appeared and helped us get the heavy boxes down to the waiting cars.

At last the cell was empty. With a full heart I called my farewells down to the "underworld." Back came the answers as they wished me well. I looked in vain for Douglas Parsons, whose kindness had made such a tremendous difference to me all during the past year. He had come up to my cell every day recently, simply to chat and help me keep my mind from fruitless and tantalizing speculation about release, but today he was not to be found. It was his day off.

I followed Ola down the stairs, said a few more goodbyes to men in the House of Correction, and walked out of the Boscawen jail, my heart singing with the wine of freedom.

Once we were in the cars and moving down the highway, my attorneys relaxed somewhat. I sat tightly clutching Ola's hand, and waited for the explanations. Ola told me that Hugh Bownes had telephoned her the day before asking her to come to Laconia to see him the following morning at eight-thirty. He had something to tell her, he said, that he could not mention on the phone. Not knowing what was to take place, she found the hours until morning long and perplexing. When the cold car refused to start, she telephoned Hugh, and within an hour he and Mrs. Bownes were at World Fellowship with the message, "Willard's getting out of jail today. Can you leave in half an hour?"

Hugh and Bob Reno had gone to Judge Grant the day before with the request that he release me at once, ahead of schedule. Reporters and photographers, they pointed out, would certainly be there on the Tuesday to welcome me to freedom, and there was no telling what demonstrations had been planned. If I were set free early, they argued, the state would be saved what might turn out to be an embarrassing hullabaloo. My attorneys, of course, had in mind the possibility that Wyman would try somehow to stop me, even though his petition to have me held had been denied. They wanted me across the Massachusetts border beyond the reach of Wyman's subpoena powers as quickly as possible. Whatever Judge Grant thought, he had signed the order for my release.

We sped down the highway. When we had crossed into Massachusetts Hugh and Bob sat back with sighs of relief.

Ola, as soon as Hugh told her I was to be released, telephoned Alice and David Goldberg, New Haven friends who were planning to be at Boscawen Tuesday morning to take me home, and asked them to meet us at Sturbridge, Massachusetts. When we arrived they and Louis Zemel were waiting. From there they took us home.

In jail I had prepared a statement to give to the press on my release—if I were released. In it I said I would go out thankful for God's sunshine and air again, and with serenity and peace in my heart: first because I bore no ill will toward anyone, not even those responsible for my imprisonment, and second because I had done the only thing I could have with honor and in loyalty to the Bill of Rights. I had in mind the words of Walter Rauschenbusch: "Turn not in anger on him who has wronged us, lest we increase the sorrows of the world and taint our own souls with the poisoned sweetness of revenge."

When it was given to the press later that same day, I found serenely that I meant every word of it with all my heart.

[EPILOGUE]

I was set free on December 11, 1960, after a full year lacking two days behind bars. I was seventy years old. What had happened to me that year in the Boscawen jail? How had I come out? Believing what?

Those days in prison were for me, above all else, a time for reviewing a treasury of memories and associations and reevaluating the years that had passed. My thoughts were free there to travel again the road I had taken from childhood to the cell in Boscawen. Was life just a matter of economic and social determination, as some claim it is, or had a morally free person stood at the crossroads and made decisions as a morally responsible person—decisions for which his conscience as well as society held him responsible? Certain decisions—history will say how right or wrong—led me straight to Boscawen. The decisions had been mine to make.

It was a time, too, for re-examining the articles of my faith. I found I became more conservative in respect to certain religious beliefs and clung to them tenaciously. I believe in a divine creative power, immanent throughout nature and humanity, but also transcending the world of sense perception. My faith is rooted in that which is eternal in human life, the substance that is above and beyond any and all temporary forms of social organization through which it expresses itself. A faith like mine, it seemed to me, would persist throughout revolutionary transformations.

True, prophetic Christianity has at times accommodated itself to the temporal scene and lost its moral glow, but in other and revolutionary times, it has also undergone self-transformation and again become a vitalizing force. Religion, I know, will not disappear from the scene as man's material and cultural needs are met, as some of my Marxist friends argue.

Of all the formal arguments for the existence of God, that of purpose and design in the universe still seems the most real and forceful to me. Attempting to find this purpose has been a motivating part of my life from childhood. My religious experience even then had two dimensions. One was a constant reaching for the beyond that brings wonder, reverence and humility. The other has to do with our relation to the members of the family and the community. The God that Grandfather and my parents worshipped seemed to combine both awe and tenderness. We would come to know and love Him only as we came to know and love our brethren. There was no way of escaping Him and His plan for our lives then, as there is no escape now.

There in jail my thoughts went deeper into the nature of the world and the nature of my personal experiences. The deeper I went, the more radical I became in my social thinking. If one purpose of the authorities in jailing me was to tame that thinking, they blundered in this as in other things. They gave me time and quiet for reading and meditating, and in using it, my inner conviction deepened that the religious grounds for social revolution are more profound and more far-reaching than any purely mechanistic ideology.

The life and teachings of Jesus came to me in Boscawen with new force. If God is our Father, then truly all men are brothers, and we are here to build a world community without regard to differences of race, history and culture. I sought again to translate into the life of our times Jesus' ideas enshrined in the Beatitudes, the parables, and the commandment to love God and our brothers as we love ourselves. The Gospel of the good news will be fulfilled only as the "goods" of the productive process are shared by all according to their contribution to the community and according to their need. We have to be brothers, not only in idea and emotion, but in property relations.

I share the fear of some religious and social analysts that in our era of affluence and its preoccupation with trivia, we are losing contact with the revolutionary thrust of our Judeo-Christian heritage; that we are settling for a diluted social gospel, making only superficial attempts to ameliorate the conditions responsible for the moral degeneration all around us. It is not enough that through social agencies we should be attempting to restore broken human beings to normal, healthful living, necessary as that translation of the social gospel is. The greater matter, the larger concern, should be what we are going to do about the gigantic immoral forces that undermine those efforts. How, rather, are we to overcome the self-assertion, the greed, the hate, and the fear engendered by the cold war?

Here, for me, lay the difference between a shallow back-to-Jesus movement and the need to understand Him in his cosmic dimensions. His sayings are not true because He said them; He said them because they are true. He had found for himself the ultimate purpose of God for man—the building of the Kingdom of God on earth. Seers of other faiths, seeking in the same divine way to determine man's destiny, have also made their contribution toward that end.

The purposive character of the universe, giving priority to love, mercy and justice over hate, vengeance and repression, presupposes a new economic relationship. Competition must give way to cooperation. Our acquisitiveness, our self-seeking, must yield to an outgoing generosity that is concerned with the welfare of all. The next step, then, must be planning for that welfare. Abstract ideas thus become a living reality. The natural world, with all its resources and its potential for development, belongs to all the people.

At this time of prolonged musing I came across a quotation from George Beranos' *Plea for Liberty.* He, a French writer, had been thinking of the way the house of civilization was falling apart, even as I was doing, left to my own contemplation of our disordered world. He had written:

> What would you have me do about it?
>
> The most imprudent thing of all would be to poke a little to the right and a little to the left, here repair a portion of the wall, there adjust a beam. Rather we must tackle the whole job at once. The hope aroused in men's hearts must be proportionate to their present despair.
>
> I am well aware that it is fashionable among the bourgeoisie and even among Christians—who would believe it?—to make mock of those who would promise the moon. How strange it is to hear such sneers coming from the mouths of certain priests, the same sacrilegious mouths which on Christmas Day must repeat a certain promise a thousand times more daring than the promise of the moon—the promise which assures peace to men of good will!

Even as I had gone into the jail on December 14, 1959, the Christmas lights were burning and the spirit of Christmas was abroad. Men were remembering again the hope that had come into the world so many years before, the hope that might lead men from their despair. And, despite the vulgar commercialization of this holy season, people were a little more thoughtful and tender. Man does experience these elevated impulses, impulses which, if they could be sustained, would change the world.

One night, soon after being put in Boscawen, I was unable to sleep. I tossed, wide awake, on the hard bunk, unable to control my feelings. The contradiction between the good news of Bethlehem and the cruel realities of our warring world, and also the cruel reality of imprisonment, upset me, until in scolding terms I said to myself, "Willard, calm down!"

John Greenleaf Whittier's hymn came to me:

Dear Lord and Father of Mankind
Forgive our feverish ways;
Reclothe us in our rightful minds
And purer lives thy service find
In deeper reverence praise.

Drop Thy still dews of quietness
Till all our strivings cease;
Take from our souls the strain and stress
And let our ordered lives confess
The beauty of Thy peace.

A Christmas prayer began to take shape in my mind. I slept. When I awakened the next morning it had taken clearer form, and I sat on my bunk in my pajamas to write it down. With my ever-present drive to communicate with the outside world, it occurred to me to send it to the *Concord Monitor.* I typed and mailed it, and to my great joy it was published, in part, on the front page on Christmas Day.

The prayer is too long for these pages. It began with thanksgiving to God for the glorious moments in history when new light breaks into the darkness of the world through the appearance among us of emancipators and saviors. To me the advent of Jesus had been the supreme visitation, but there had been others and there would be more. The prayer breathed the spirit of Hanukkah as well as Christmas, for the presence of so many Jewish people at World Fellowship had emphasized for me the significance of our common Judeo-Christian heritage. In my prayer I remembered the jobless who for lack of means, could not enter into the festive joys of this holy time. I prayed for the insensitive who through ignorance or ill-will break the symphony of harmonious living. I prayed that mankind be delivered from malice and vindictiveness, and that a new spirit come to those who poison the wells of our common life, so that they might feel the burden of their guilt, and in penitence be freed from their own prisons of greed and selfish ambition. I prayed that the glad tidings of peace might be heard over the noise and clamor of the market place.

At Eastertime, the message of the redemptive power of love and suffering, as exemplified by Jesus, likewise acquired deeper meaning for me than ever before. At the time I was reading *Life Together,* which had been sent to me by a seminary student friend. It is an inspiring biographical account of the religious experience of a German pastor, Dietrich Bonhoeffer, during the Nazi terror. This renowned theologian and author, who might have fled as others were doing or made his peace with the Nazis, instead accepted a call from the Confessing Church to take charge of an illegal seminary for the training of young pastors in Pomerania.

He was a pacifist, but nevertheless he cast his lot with those who were taking part in the resistance. He was apprehended and sent to his death on the gallows at the direction of Heinrich Himmler. As he was being taken from his fellow prisoners, to whom he had ministered, he declared, "This is the end—but for me, it is the beginning of life." In contrast with that, my own lot seemed light indeed.

Here was one of that great company of which Dr. Ward had written me. This great German's Christianity led him to violate the laws of the Nazis. As I read his book and pondered over it, he spoke to me out of his deathless life, and I, too, wanted to belong to history.

In making this identification with history, I thought not only of those whose names have survived the struggles of other days. I thought, too, of all those now striving, often in obscure places, to make our dream of democracy and peace come true. In the cloud of witnesses that continually overshadowed my cell there were the living as well. All that was being achieved, and all that was to be achieved, was a joint enterprise—a social and political, and, to great numbers, a religious experience in which many were taking part.

Letters came to me from remote places where brave people, their courage unsung, were suffering harassment and loneliness. One such person in Arkansas, who had seen a letter of mine in the *St. Louis Post-Dispatch,* wrote:

> "I want to tell you that you are not alone in having met up with persecution and a denial of freedom. . . . I believe there are hundreds and thousands of Americans right now, today, who have suffered injustice at the hands of the police, of law or the government in some manner. But these people are inarticulate and scattered over the country and isolated. If they were all together in one place and could be heard—what a large noise it would make! But the government is safe in persecuting individually this way because the victims are not able to make their grievances known. Think of all the countless victims of man's inhumanity who have no way of being heard. . . . You have at least commanded the attention of the papers, and thus, the people."

My feeling of solidarity deepened, there in Boscawen. The endless upward thrust of "little" people in the past and the campaigns of the present were one. Now, because of my own experience, I had a keener sense of kinship with the Negro and white youths who were "sitting in" to erase bigotry and second-class citizenship; and with those of the Committee of Racial Equality who were seeking, at the risk of their own safety and freedom, new ways to bring injustice to the public conscience; and with the evicted Negroes in Freedom Village in Western Tennessee who had paid a price—the loss of their homes and means of livelihood—for asserting their right to vote. I made an identification, too, with those in the Committee for Nonviolent Action who were trying new ways to bring the immorality of war to the public attention. I was spiritually at one with those who were walking great distances for peace, even from San Francisco to Moscow—and with the brave little children and pastors who were making history in New Orleans, walking through howling mobs to schools that were being integrated.

Again and again friends outside drew near in my thoughts. They were carrying on at the front while I rested and licked my wounds. Don West, Georgia-born poet, was one to whom my thoughts turned. He knew too well that "The Road Is

Rocky," the title he gave to a collection of his poems that Ola brought me. Claude Williams was also with me—that stern, unwavering preacher of righteousness who had felt the lashes of the racists on his back. So was Anne Braden, the gently reared Southern girl who is giving her life to break down the wall between Negroes and whites so that men and women, in spite of color, may be brothers and sisters in peace. Her husband Carl, who fears no man, least of all those on the House Committee on Un-American Activities, was even then likely to be sent to prison a second time for his defiance of those who would build that wall even higher. And Frank Wilkinson —he was another who was turning his back on comfort to travel the road that led to prison; his crime, a fearless defense of the First Amendment.

I turned seventy in Boscawen, but I still longed to have a part outside in the unfinished work to be done. Among the several burdens that lay on me like commitments, three stand out. Though different, they were all of a piece, since they had to do with the sins of society that degrade persons, impair our liberties, and fan the passions of hate against peoples alleged to be our enemies.

First, I was upset by society's attitude toward my prisonmates, and I determined to lift my voice whenever possible against the present inhuman penal system. Others who have gone to prison in these times—the political prisoners, as we are distinguished from the others—have come out with the same determination. Our society being what it is, the tendency of prosecutors and judges is to sweep human problems under the rug, and of those outside, to shrug their shoulders. We all suffer from an over-all kind of callousness, a callousness that can tolerate poverty and unemployment beside special privilege, a callousness that permits the hurting of human beings because of their color or social status, that allows more emphasis to be put on popularity than on truth, more on bigness than on quality, and that is content with petty moralizing while gross evils are built into the very system under which we live. This callousness is bound to be insensitive to the "little" people who run afoul of the law. As the year passed, I found myself thinking less about my own situation and more about my less fortunate companions, men without money, without family and friends, without legal or spiritual counsel.

These companions of mine had broken the law. Society must apply penalties and safeguard itself; but in many instances I saw a direct relation between the crime and the pitfalls of an indifferent community. The men came from broken and disturbed homes, where irritations were increased by joblessness, lack of education and religious upbringing. Some were in jail for petty thieving—but the big operators steal and get away with it, they are well aware. Bitterness over inequality of treatment. Crimes of sex—and all the while sex stimulants of a vulgar character are exuded from movies, cheap paperbacks and television. Mental instability—some needed friendship, creative jobs, special treatment, not physical incarceration. Idleness that sometimes becomes maddening—but not useful employment to take up the hours. Violence—although we believe in it as a potential instrument of national policy with our armaments, and with the talk of some among us of "liquidating the enemy." Crimes and misdemeanors because of liquor—but liquor is available on every hand, and the good citizens of New Hampshire know all the while that they are deriving a lucrative tax from it.

The penal system reflects the nature of a society that must be overhauled to put persons first, not profits and privilege. The forgotten human wreckage in the jails of America will be a challenge to me to the end of my days. Lord, help me to remember!

A second commitment grew out of my new appreciation of the ideal of freedom on which our country was founded, and this, too, is a commitment laid upon others of the political prisoners who have given up their freedom to comprehend a larger one. The Declaration of Independence and the Constitution with its Bill of Rights became more than ever a part of my being. Their words are more than phraseology; they are more than documents to be filed away. They have to be restored to the affections of the people, so that the people can take up the task of completing our country's own revolution.

I came to share as never before Walt Whitman's prophetic vision of the democratic principle arrived at meridian when it will be something more than a political slogan, when it will be operative in all forms of public and private life. It will not be ours to see that triumph, no more than it was his, but with him we can experience "the joy of being tossed in the brave turmoil of these times." With him, we may share, if we are found worthy enough, "the proud consciousness that, amid whatever clouds, seductions, or heart-wearying postponement, we have never deserted, never despaired, never abandoned the faith." Those thoughts of his are from *Democratic Vistas,* written more than a hundred years ago.

Yes, I wanted to be found worthy. I wanted to be associated for all time in my country's history with the First Amendment defendants of my time who were enduring investigation by inquisitorial committees, public prosecution, and prison, and with all others who would join us to bring our country back to the dream, to the prophetic vision. If we can bring about the restoration of our Constitutional liberties, and the revival of vigorous debate on controversial questions, we will have done much to slow our present decline in moral power in the world. We shall have taken the first great step toward freeing ourselves from our deepest moral dilemma, our failure of revolutionary energy just when new countries in revolutionary ferment, largely inspired by us, turn to us for further inspiration and support. Our reassertion of our democratic faith will lead to a change of emphasis from armed might as a deterrent to an internal social transformation, a transformation that in what it has to offer will be the match of any of the revolutions taking place elsewhere in the world. It is because we have lost velocity in our efforts to correct economic wrong and establish racial equality, it is because we have lost faith in our own revolution, that we have helped make room for another faith, the faith of communism. For us then, self-examination and penitence are more in order than hostility and threats, and the sooner we make heroic efforts not simply to coexist, but to co-act for the good of all humanity, the better.

Finally, and closely related to the other two commitments I accepted there in prison, is the need for a continuing reorientation of my mind, and to the degree that I am in any way responsible for it, the mind of the American people, to the realities of the present world. It is one world, whether we like to believe it or not, and we must learn to live in it in peace.

My memories sweep across the decades to my youth, to the day when, at a conference of students, I acclaimed the ideal of "Above all nations—humanity." That ideal has stayed ever before me, through my association with youth in the classroom, my identification with labor's struggles in the Great Depression, and my growing commitment to friendship with all people through works for peace. Looking back over the years the achievements seem small, the possibilities loom large. The world is my parish. My present association with World Fellowship of Faiths is my occupation.

All the while my aspiration to be free of self-centeredness has grown. A complete emancipation from self and a dedication to others calls for many things. I must be fully and emotionally identified with the present upsurge of the human spirit and man's strivings for fulfillment. I must help eliminate all barriers of the mind and of geography through freedom of communication and of movement among all peoples. I must realize that a world of love and trust begins with me, for only thus can I elicit love and trust in others. What works for me works also for nations. Mankind must be lifted into a new orbit of cultural communion, indeed of divine dignity, an achievement that will go far beyond that of even today's astronauts.

As I do my bit in effecting these necessary shifts in social power that will lead to peace, I must continue to draw reinforcements from something in the universe that is greater than myself. I must protect quiet times in which my mind and heart open to the world's greatest thoughts and prophetic utterances. I must seek an inner peace to match the outer peace for which I strive, just as my country must become the embodiment of its claims before it can expect the homage and confidence of the world. This quiet rhythm between the exhaustion that comes from useful work and the spiritual relaxation that comes from worship has become, for me, a religious imperative.

As I bring this story to a close I fear that I have borne my feelings too much on my sleeve, but I can truthfully say I have not defied law and convention for the sake of being different or dramatic, as is sometimes charged. I have somehow clung to Henry David Thoreau's message to us all:

> "If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music that he hears, however measured or far away."

Could it not be that now more and more of my fellow Americans are hearing that same distant drummer call us all to march together for peace and brotherhood? I pray that this be true. I so believe.

[APPENDIX]

FRIENDLY SUPPORT— FROM NEAR AND FAR

It would take a second volume to pay full tribute to all the persons and organizations that became concerned about my case and took up my defense. I would like to name them all. The best I can do is to assure them that their regard and affection are deeply inscribed on Ola's heart and mine.

My minister in New Haven, George Teague, came to Concord, it will be recalled, to testify in my behalf, and our church board sent a petition to Judge Grant asking clemency. This petition upheld "the practice for Methodists as Christians to support the right of fellow Christians to express convictions based upon conscience while holding for themselves the right to disagree," and my right of conscience "even where the specific expression of conscience is contrary to the laws of the state." Individual Methodists had supported me all along: Dr. Harry F. Ward, Loyd Worley, Lee Ball, Jack McMichael, Edward L. Peet and Mark Chamberlin of the Methodist Federation for Social Action; Henry Hitt Crane of Detroit; George Butler and Robert Fichter; Janice Roberts; Bishop Edgar A. Love in Baltimore and Bishop James C. Baker in California. When Wyman made his effort to have me detained indefinitely, Bishop James K. Matthews telephoned Judge Grant in my behalf. And there was Bishop John Wesley Lord, whom I had met only once for a brief time before going to jail. He interceded for me before I was committed and afterward. He wrote a letter to *The New York Times* in response to the hope expressed in its editorial of December 15 that clemency would be granted in keeping with the Christmas spirit—a hope that was not met. It was necessary, he wrote, to keep this case before us, "for as long as he (Willard Uphaus) remains in jail our consciences cannot be free."

In March, 1960, the Board of Social and Economic Relations of The Methodist Church, meeting in Chicago, passed a resolution calling on the State of New Hampshire to release me. It placed the Social Creed of the church on my side: "We stand for the recognition and maintenance of the rights and responsibilities of free speech, free assembly, and a free press, and for the encouragement of free communication of ideas essential to the discovery of truth."

The General Conference of the Methodist Church, meeting that May in Denver, expressed "high appreciation of those men who in our historic tradition have stood and do stand for freedom of speech and of conscience, and who even prefer to follow conscience at the expense of physical freedom," and commended the matter of their "Methodist Christian brother" to the continuing attention of the Board of Social and Economic Relations. One after the other of The Methodist Church annual conferences had the Uphaus case on the agenda; a number joined the appeal. So did the national conference of the African Methodist Episcopal Zion Church, headed by my friend, Bishop William J. Walls.

Representative voices of other denominations spoke out no less clearly. Dr. John Bradbury, editor of the Baptist *Watchman Examiner,* placed the Uphaus case in line with the banishment of Roger Williams and the imprisonment of William Penn.

The Witness, an Episcopal weekly, published an article on December 21 by Kenneth Hughes, rector of St. Bartholomew's, Cambridge, in which he asked: "So, despite the law of New Hampshire, are there not times when, in conscience, the Christian is under a divine imperative to break the law of man? Would our civilization ever have reached first base if our spiritual forbears had not so done? For answer, see the New Testament."

No single religious editor did more than Warren Carberg of *Zions Herald,* an independent Methodist monthly published in Boston, to defend me and the broad principles of religious freedom out of his years of experience as a newspaper man combined with a meticulous study of the case. The regular appearance of *Zions Herald* in the homes of ministers and laymen throughout New England aroused discussion and understanding, and led to conference resolutions.

United Church Herald, official organ of the United Church of Christ, concerned about threats to civil liberty, declared in February, 1960, that the health of a democracy requires that citizens be encouraged and protected in the right to assemble and discuss unpopular ideas. "Approval or disapproval of Dr. Uphaus or the World Fellowship is irrelevant," it said. "Publication by a government agency of names of people attending any meeting, without evidence of illegal activities, is dangerous business!"

The Churchman, a Protestant Episcopal monthly, spoke more than once in my behalf. An editorial published in February, 1960, entitled "The Shame of New Hampshire," spoke of the irony of my having been sentenced just the day before Bill of Rights Day. "Strange that what we like to think of as our enlightened day," *The Churchman* concluded, "New Hampshire should revert to the witch hunting practiced long ago in another New England state."

The Christian Century reviewed the history of the case in a December 29, 1959, editorial, and referring to my refusal to expose citizens, said: "We believe his protest is well taken, and we honor him for making it." This journal's other contribution during the course of the prison year was the publication of *Willard Uphaus: Prisoner of Conscience,* by Kermit Eby.

The Unitarians gave constant support. In May 1960, at the annual meeting of their Fellowship of Social Justice, I was commended for my stand. As far away as San Antonio, Texas, a chapter of the Unitarian Fellowship declared that I was "an example of society's attempt to imprison what it cannot understand." Likewise the Friends, in many of their local meetings as well as through their Rights of Conscience Committee, played an important role.

The list could be enlarged to include the many who signed petitions, preached sermons, and wrote editorials, throughout the Protestant denominations. On the day of my commitment a petition signed by twenty-five New Hampshire clergymen asking for a mild sentence was presented to the court by the Rev. Bradford Young of Manchester. On the same day another petition, supportive of my position, signed by 109 ministers, educators, and other public figures, was presented by the Rev. Robert E. Gussner, secretary of the New England Fellowship of Reconciliation in Cambridge.

It was not only my Christian brothers who were concerned. The very first religious body to take up the matter was the Joint Committee of Social Action of the United Synagogue of America. In May, the Commission on Social Action of Reformed Judaism, joined in the appeal for my freedom. Two of my most eloquent defenders were Rabbi Oscar Fleishaker of Madison, Wisconsin, and Rabbi Robert E. Goldburg of New Haven. The former in an article in *The Capital Times* (Madison) spoke of my imprisonment as "another vigil for a better America," and the latter on the first Sabbath evening after my commitment, just a few days before Christmas, preached a sermon that put the Uphaus story in Biblical language, under the title "Prince of Peace." Thousands of copies were distributed, and it was published in several magazines.

In April, 1960, the National Council of the Fellowship of Reconciliation issued an appeal for clemency. In May the General Executive Board of the National Religion and Labor Foundation, which had called for my resignation from the executive secretaryship in 1951, appealed for my immediate release. It said that no possible good could result from my continued imprisonment and that every day that I was deprived of my liberty darkened "the stain upon the whole cause of civil liberties in the United States."

Among those who steadfastly kept my case before students, public audiences, and religious and secular editors, were James L. Adams and Paul Lehmann of the faculty of the Harvard Divinity School. Together with seventeen other faculty members, including Dean Samuel H. Miller, they sent a protest to Judge Grant condemning the treatment I had received.

Early in my prison year the Connecticut Council of Churches, with which I had held a committee relationship in the past, asked for my freedom at the earliest possible date. In May, 1960, the New Hampshire Annual Conference of The Methodist Church passed a resolution carefully prepared by a committee of four pastors appointed by Bishop Lord. This resolution is one of the best documents available on the question of conscience and the state. The text in abridged form will be found on pages 219-220. In July the executive committee of the New Hampshire Council of Churches called for my release. It held me up as honest in my religious faith and said that further imprisonment would be most unlikely to be effective.

The Religious Freedom Committee holds a special place in an account of the Uphaus case. With the increasing possibility that I might have to go to jail, the problem became, "Who would take over?" Until that time I had conducted my own defense and my own appeal, through World Fellowship, and with the magnificent help of the New York Council of World Fellowship and the Friends of Willard Uphaus in New Haven and Connecticut. Most of the money came from individuals who had known me personally, except for two sizeable contributions from the Friends'

Rights of Conscience Committee and the Bill of Rights Fund. Responsibility for coordinating the appeal now had to rest somewhere. So Ola and I turned to the Religious Freedom Committee and asked it to carry on, in cooperation with World Fellowship. Under the chairmanship of the Rev. William Howard Melish and the executive direction of Mrs. Ruth France, and with the persistence of Dr. Ward who had been chiefly responsible for its founding, the Committee thoroughly documented the falsity of the charges of HUAC. It assessed the issues, raised funds, and through news releases informed the religious and secular world of what was taking place. Within a few days after my release from Boscawen, the Committee held my first press conference in its little room in New York, the place packed with photographers and reporters.

Once the Supreme Court handed down its decision, many daily papers ran news accounts and editorialized. The day following the commitment *The New York Times* reporter, Foster Hailey, made me the man of the day, under the title "Spirited Pacifist." The *Times*, on that day, also declared editorially that "so long as Willard Uphaus remains in jail, the conscience of many Americans will rest uneasily." To the *New York Post*, "a lonely old man" became a "living symbol of civil liberty." The *Providence Journal* announced in bold headline that New Hampshire had jailed a blameless man. The editors did not hold that each and every citizen had an unqualified right to subordinate the judgment of society to his own conscience, but the claims of conscience had, in my case "the clear and urgent ring of reality. . . . A man like Dr. Uphaus, speaking from the soul of conscience and spiritual convictions, may well personify the sort of innocence which the Constitution was designed to protect."

The *Hartford* (Conn.) *Courant* surmised that the Supreme Court, in rendering adverse decisions in mine and other First Amendment cases, had heard "angry political winds howling outside its door." Other New England papers were no less clear in their stand: the *Boston Herald*, the *Boston Globe*, the *Christian Science Monitor*, and the *Bridgeport* (Conn.) *Post* among them.

The Washington Post on six different occasions took the authorities of New Hampshire to task. The first editorial concluded: "Willard Uphaus in prison will be a reproach to New Hampshire in the eyes of the nation, and a reproach to the nation in the eyes of the civilized world. It would be more than an act of deference to that Higher Power which Dr. Uphaus served according to his conscience, if he were now to be granted clemency appropriate to the Christmas season."

Foremost in my thoughts among editorial writers is Irving Dilliard of the *St. Louis Post-Dispatch,* a Pulitzer Prize winner. From the beginning he identified himself with me and all First Amendment defendants. Mr. Dilliard wrote me while I was in jail. He dedicated his last editorial, before his retirement, to civil liberty.

In far-away Idaho the *Lewiston Morning Tribune* declared editorially, "Dr. Uphaus became the victim of one of those inexorable steam rollers of impersonal government that occasionally crash heedlessly across men's lives simply because nobody knows quite how to stop them."

What further pleased me was the wide interest college papers took: the *Columbia Spectator,* the *Harvard Crimson,* the *Cornell Sun, Justice* at Brandeis University, *The New Hampshire,* to name a few. Missing was any wide concern in the labor press except in *Labor,* a national weekly published in Washington by eighteen recognized railroad labor organizations. On December 26, 1959, that paper carried an editorial outlining the case, and in particular, viewing Mr. Wyman's denunciation of me as something sacrilegious. "The words of this state official," the editor commented, "remind one of a man long ago who did ignore all conscience and did turn informer on behalf of the law of those days. That man's name was Judas.... Surely," he ended, "in America today the ethics of the informer do not still stand higher with the law than the ethics of the Prince of Peace."

Rarely does a defendant receive help from friends representing so wide a religious, social and political spectrum. The *National Guardian* kept up an unceasing campaign of education and agitation, not only for me, but all those caught in the witch hunt. *The Progressive* described my experience as McCarthy's grotesque echo, and pleaded for wiping out the "black mark" on our country. The *New World Review* reported the case. A comprehensive review contributed by a fellow defendant, William Price, appeared in *The Militant. The U.S. Farm News* (Des Moines, Iowa) asked, "What now becomes of the sacred right of the American people to meet together and to discuss issues, particularly peace and war issues, without fear of being jailed by inquisitors?" *The Worker* ran articles, and editorialized in my defense.

The Uphaus case received attention outside the United States.

As early as March, 1956, twenty-seven British clergymen sent a greeting and message of support. "It is because the stand you are making today shows integrity, as it is all too rarely seen, that we write not merely to greet you, but also to salute you," the message said in part.

On December 1, 1959, on receiving word of the imminent threat of my imprisonment, Dr. Donald O. Soper, a leading Methodist clergyman and Director of West London Mission, wrote, "I am very perturbed to hear your news, but you can be sure that I will do everything I can in England to help." Near the beginning of my prison year Prof. J. D. Bernal, famed British scientist, wrote the United States Ambassador in London in my behalf, advising that what had happened to me "affects the international good name of the United States" and asked him "to convey personally to the President the great concern caused in this and many other countries among people who highly esteem the President's efforts for peace and better relations between the peoples, by this treatment of Dr. Uphaus." The letter was published in the Bulletin of the World Council of Peace and thus circulated throughout the world.

Likewise, Pandit Sundarlal, Chairman of the Presidential Committee of the All India Peace Council, addressed a letter, July 7, to our Ambassador in New Delhi, saying that I was known in India and "especially to all peace workers as a sincere, devoted and religious-minded pacifist." The letter asked the Ambassador to convey to the President of the United States the desire of the peace workers in India that he use his personal influence to set me "at liberty as a token of the President's concern for world peace."

Of significance was the appeal sent to Governor Powell, about the middle of my term by Dr. J. L. Hromadka, eminent Czech theologian, Dean of the Comenius Theological Faculty in Prague and member of the Executive and of the Central Committee of the World Council of Churches. He wrote of having known me for many years and expressed the wish "to join many of my old friends in the United States who are of the opinion that to force him, a Christian pacifist, to complete a year in prison would be triumph for no person or principle."

CONSCIENCE AND THE STATE

Resolution by New Hampshire Methodists

The New Hampshire Annual Conference of The Methodist Church on May 21, 1960, passed a resolution, with one dissenting vote, on the issues in my case. The resolution, the work of a committee of four pastors appointed by Bishop John Wesley Lord, is given here in abridged form.

Man's ultimate loyalty belongs to God. Out of this loyalty grow all other loyalties. . . .

"In examining the ethical issues which are involved in the *Uphaus v. Wyman* case, these issues seem clear to us:

"1. An individual has the right of free assembly, free speech, freedom of religion, freedom of press, the freedom of discussion to seek truth, and the freedom of loyalty to conscience.

"2. In the exercise of these freedoms, the individual has the responsibility of obeying just laws of the society in which he lives.

"3. If in the exercise of these freedoms he comes into conflict with laws the observance of which would violate his conscience, then the individual has these alternatives: (a) To obey the law and violate his conscience. (b) To obey his conscience and violate the law.

"4. If the individual violates his conscience, only he knows the extent of his alienation from his concept of righteousness and from God. Society has no right to demand this alienation.

"5. It is this tension between the conscience of persons and the enacted law which is the motivation for the creation of just laws.

"6. If the person chooses to disobey the law for conscience's sake, then he must be willing to abide by the consequences of the act, the consequences being the price he pays for a free conscience.

"7. When the fallibility of all men and all institutions is considered, it seems wise that the consequence of disobedience, when disobedience is for conscience's sake, should be moderated by charity.

"8. We further believe it to be a basic right both of conscience and of civil liberty, guaranteed by the constitutions of the United

States and of New Hampshire, to enjoy opportunity of discussing the need for and the possibilities of world peace as a goal for all mankind. In order to achieve peace on a global scale, furthermore, we recognize the importance—indeed, the necessity—of meeting in direct social and intellectual encounter persons of all races, faiths, nationalities and political ideologies. In so doing we believe it may be possible to discover areas of agreement, to erect bridges of understanding, and to explore heretofore untried platforms on which may be constructed the edifice of lasting peace.

"9. Finally, we recognize the liability to err which is implicit in humanity. Through our creaturehood, none of us is all-wise. Through our sinfulness, none of us is free of prideful self-assertiveness. Therefore, we humbly ask God's mercy upon ourselves and upon the principals in this case. We commit ourselves to every effort to labor for a deeper understanding of our obligation to God in which the rights and responsibilities of conscience shall have a creative and socially beneficial effect."

[Official Journal of the 1960 New Hampshire Annual Conference of the Methodist Church, pp. 40, 41.]

Our heartfelt thanks go to the peace-loving people of Britain, France, Belgium, Czechoslovakia, and especially Poland, who, on such short notice, provided for our happiness and comfort as we proceeded on our way here. Meeting these friends, learning about their programs for peace and feeling their hope and courage as they worked for a peaceful world, prepared us for the even greater event to follow in this city. Among the precious memories that will last throughout life are those throngs that have greeted us here. Their radiant faces, their undying hope, their sweet songs and their overflowing good will, which they express in spite of the sufferings of the war, have won our affection. Who would not fight for a peaceful world in which they will never again suffer the agonies of war?

We who come from a land that has not endured the privations and devastations of war are moved by the awfulness of it all, and at the same time are inspired by the courageous spirit with which a program of rebuilding has gone on. We feel this, especially, in this great city. We come from Minnesota to the North, from Tennessee to the South, from New England to the East and California in the far West. We represent different political and religious philosophies. We reflect the diversity of life in our country. We came because we desire peace and we want to learn from other delegations how to work effectively for it. . . . (Here I described some of the things at home that disturbed us: the hysteria based upon the fear of an aggressor; the intimidation of teachers; the harassment of peace organizations and of individuals who circulated the Stockholm Appeal; the inflammatory headlines and editorials of newspapers which made it impossible for peace-promoting thoughts to penetrate the consciousness of the American people; the disease of McCarthyism; and our huge expenditures for war.)

But millions of Americans, like the people of other countries, long for peace and the widespread sentiment for peace is a foundation on which we can and must build.

Three million signed the Stockholm peace declaration and more than a million others have subscribed to other peace appeals. Our 14 million Negroes constitute a powerful force for peace. Like all minorities with few privileges and great social and economic needs, they are little inclined to accept at face value the sugar-coated appeals for support of the cold war, and are the first to realize that war will only worsen their conditions.

Our women are beginning to play a mighty role in the crusade for peace. They are the workers who gather the signatures on peace petitions. It has been already dramatized in this Congress that mothers, who create new life, especially long for peace. American mothers are like mothers everywhere in the world in this regard. Dr. Clementina Paolone, famous obstetrician of New York City, who has helped deliver over 1,000 babies, accepted the chairmanship of the American Women for Peace because, as she has said, "I did not help bring these babies into the world to let them die in war."

In the Protestant church there is a growing movement for peace that is merging with other peace forces in our country. This great tradition of peace inherited from the Bible is taking on new meaning, and in this new religious consciousness and feeling of moral obligation we find a tremendous potential for peace that can and must be awakened and organized into action. Scores of well-known ministers signed the Call to the Chicago Conference on Peaceful Alternatives, held last May, and some of the nation's greatest churchmen dared to be identified openly by making stirring addresses. Young people in ever greater numbers are organizing peace action because they realize that the cold and hot war mean a loss of education, delay in establishing a home, and enslavement by a growing militarism. . . .

The rank and file of workers want peace. They know that workers pay the heaviest costs of war in reduction of standards of living and in suffering and dying on the fields of battle.

As the executive director of the Chicago Conference on Peaceful Alternatives, I saw and felt a powerful movement for peace. Seven hundred delegates from thirty-three states attended. A ringing call, sent out by the sponsoring committee to 50,000 people, affirmed:

1. That we reject the philosophy of those who say that war is inevitable.
2. That we affirm that peace is possible.
3. That no difference between nations can be so great that mutual annihilation is the only answer.
4. That we insist that the peaceful co-existence of the American and Soviet systems is not only possible but necessary.

In conclusion the Call pleads that we transcend differences of faith, creed, race, political belief and occupation and unite in a great crusade for peace. This conference was the culmination of many peace meetings throughout the nation, and out of it grew many more local organizations for peace. . . .

The United States delegation is in fundamental agreement with the proposals and Call to this Congress. We pledge ourselves now to work for definite peace goals including the following six items:

1. We support all proposals for an international agreement to outlaw all weapons of mass destruction, including atomic and bacteriological weapons. We believe that the next step toward international agreement for control of atomic energy must be taken by the United States. We agree with the February 1950 editorial of the American Veterans' Committee bulletin in their statement: "Ban Atomic Warfare Now." We agree with the nation's leading scientists that the hydrogen bomb is an outrage against Christianity. We believe *The New York Times* dispatch from Moscow which states that for a year the Russians have been waiting for an invitation to talk peace. We call on President Truman: First, to declare what every scientist knows, that the Baruch Plan is obsolete. Second, to reopen negotiations on the basis of realism and equality to secure minimum adequate control of atomic energy.

We wholeheartedly support the appeal of the International Red Cross for the abolition of all weapons for the extermination of peoples.

2. We rise to second the proposal of the Soviet delegate calling for a general progressive disarmament of all weapons of war within the next two years.

3. We will work for the building of public opinion in the United States to demand the immediate seating of representatives of the People's Republic of China in the United Nations.

4. We condemn aggression wherever it may occur and of armed intervention in the internal affairs of people.

We stand firmly for the right of self-determination for all peoples. This belief is grounded in the best democratic traditions of our country's history and found its highest expression in the great liberating wars of 1776 and 1861. We respect and support the struggle of all peoples to win their national freedom as a necessary safeguard of human progress.

5. We urge upon the UN the necessity of guaranteeing the

unification of the entire Korean peninsula and the unfettered opportunity of the Korean people to determine their own form of government freed of any armed occupation troops.

6. Finally, we will work for the adoption by our government of an annual 10 to 15 billion dollar peace program of economic development for the world, to be administered by the United Nations.

Mr. President, on behalf of the American delegation I would at this time like to present the following major proposals for the serious consideration of this Second World Congress of the Partisans of Peace.

We propose that the United States and the Soviet Union enter into a friendly peaceful competition for the next ten years, to show the peoples of the whole world which nation can most effectively advance the general welfare. We propose that this peaceful competition to advance human welfare be projected and carried out under the auspices of a special commission in the United Nations. We propose that this special United Nations Commission set the standards of judgment for this ten-year competition.

1. To determine which nation can make the greater advances in fulfilling the economic, social and cultural needs of its people.
2. To determine which nation can do more to meet the economic needs and enrich the cultural life of the peoples of other nations.

We propose that the standards to define these advances be set in concrete terms of food, clothing, housing, medical care, education, civil rights and human freedoms.

Such peaceful competition removes the threat of war and fills the hearts of all men with hope.

In closing, may I say that we have come in humbleness of spirit seeking to learn from an interchange of thought and experience and to find the common ground for joining all men and women of good will in winning the peace. We are very beholden to the peace movement of the world whose strength has made possible so tremendous a gathering as we are having here. We shall return to our homes from this meeting with renewed determination and increased moral power to fulfill our responsibility in the cause to which we all give our devotion—the great cause of peace.

SUPREME COURT OF THE UNITED STATES

No. 34.—October Term, 1958.

Willard Uphaus, Appellant, *v.* Louis C. Wyman, Attorney General, State of New Hampshire.	On Appeal From the Supreme Court of New Hampshire.

[June 8, 1959.]

Mr. Justice Clark delivered the opinion of the Court.

This case is here again on appeal from a judgment of civil contempt entered against appellant by the Merrimack County Court and affirmed by the Supreme Court of New Hampshire. It arises out of appellant's refusal to produce certain documents before a New Hampshire legislative investigating committee which was authorized and directed to determine, *inter alia,* whether there were subversive persons or organizations present in the State of New Hampshire. Upon the first appeal from the New Hampshire court, 100 N. H. 436, 130 A. 2d 278, we vacated the judgment and remanded the case to it for consideration in the light of *Sweezy* v. *New Hampshire,* 354 U. S. 234 (1957). That court reaffirmed its former decision, 101 N. H. 139, 136 A. 2d 221, deeming *Sweezy* not to control the issues in the instant case. For reasons which will appear, we agree with the Supreme Court of New Hampshire.

As in *Sweezy,* the Attorney General of New Hampshire, who had been constituted a one-man legislative investigating committee by Joint Resolution of the Legislature,[1] was conducting a probe of subversive activities in the State. In the course of his investigation the Attorney General called appellant, Executive Director of World Fellowship, Inc., a voluntary corporation organized under the laws of New Hampshire and maintaining a summer camp in the State. Appellant testified concerning his own activities, but refused to comply with two subpoenas *duces tecum* which called for the production of certain corporate records for the years 1954 and 1955. The information sought consisted of: (1) a list of the names of all the camp's nonprofessional employees for those two summer seasons; (2) the correspondence which appellant had carried on with and concerning those persons who came to the camp as speakers; and (3) the names of all persons who attended the camp during the same periods of time. Met with appellant's refusal, the Attorney General, in accordance with state procedure, N. H. Rev. Stat. Ann., c. 491, §§ 19, 20, petitioned the Merrimack County Court to call appellant before it and require compliance with the subpoenas.

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[1] "*Resolved by the Senate and House of Representatives in General Court convened:*

"That the attorney general is hereby authorized and directed to make full and complete investigation with respect to violations of the subversive activities act of 1951 and to determine whether subversive persons as defined in said act are presently located within this state." N. H. Laws, 1953, c. 307.

The investigation authorized by this resolution was continued by N. H. Laws, 1955, c. 197.

In court, appellant again refused to produce the information. He claimed that by the Smith Act,[2] as construed by this Court in *Pennsylvania* v. *Nelson,* 350 U. S. 497 (1956), Congress had so completely occupied the field of subversive activities that the States were without power to investigate in that area. Additionally, he contended that the Due Process Clause precluded enforcement of the subpoenas, first, because the resolution under which the Attorney General was authorized to operate was vague and, second, because the documents sought were not relevant to the inquiry. Finally, appellant argued that enforcement would violate his rights of free speech and association.

The Merrimack County Court sustained appellant's objection to the production of the names of the nonprofessional employees. The Attorney General took no appeal from that ruling, and it is not before us. Appellant's objections to the production of the names of the camp's guests were overruled, and he was ordered to produce them. Upon his refusal, he was adjudged in contempt of court and ordered committed to jail until he should have complied with the court order. On the demand for the correspondence and the objection thereto, the trial court made no ruling but transferred the question to the Supreme Court of New Hampshire. That court affirmed the trial court's action in regard to the guest list. Concerning the requested production of the correspondence, the Supreme Court entered no order, but directed that on remand the trial court "may exercise its discretion with respect to the entry of an order to enforce the command of the subpoena for the production of correspondence." 100 N. H., at 448, 130 A. 2d, at 287. No remand having yet been effected, the trial court has not acted upon this phase of the case, and there is no final judgment requiring the appellant to produce the letters. We therefore do not treat with that question. 28 U. S. C. § 1257. See *Radio Station WOW* v. *Johnson,* 326 U. S. 120, 123-124 (1945). We now pass to a consideration of the sole question before us, namely, the validity of the order of contempt for refusal to produce the list of guests at World Fellowship, Inc., during the summer seasons of 1954 and 1955. In addition to the arguments appellant made to the trial court, he urges here that the "indefinite sentence" imposed upon him constitutes such cruel and unusual punishment as to be a denial of due process.

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[2] 18 U. S. C. § 2385 (1956).

Appellant vigorously contends that the New Hampshire Subversive Activities Act of 1951[3] and the resolution creating the committee have been superseded by the Smith Act, as amended.[4] In support of this position appellant cites *Pennsylvania* v. *Nelson, supra.* The argument is that *Nelson,* which involved a prosecution under a state sedition law, held that "Congress has intended to occupy the field of sedition." This rule of decision, it is contended, should embrace legislative investigations made pursuant to an effort by the Legislature to inform itself of the presence of subversives within the State and possibly to enact laws in the subversive field. The appellant's argument sweeps too broad. In *Nelson* itself we said that the "precise holding of the court . . . is that the Smith Act . . . which prohibits the knowing advocacy of the overthrow of the Government of the United States by force and violence, supersedes the enforceability of the Pennsylvania Sedition Act which proscribed the *same conduct.*" (Italics supplied.) 350 U. S., at 499. The basis of *Nelson* thus rejects the notion that it stripped the States of the right to protect themselves. All the opinion proscribed was a race between federal and state prosecutors to the courthouse door. The opinion made clear that a State could proceed with prosecutions for sedition against the State itself; that it can legitimately investigate in this area follows *a fortiori.* In *Sweezy* v. *New Hampshire, supra,* where the same contention was made as to the identical state Act, it was denied *sub silentio.* Nor did our opinion in *Nelson* hold that the Smith Act had proscribed state activity in protection of itself either from actual or threatened "sabotage or attempted violence of all kinds." In footnote 8 of the opinion it is pointed out that the State had full power to deal with internal civil disturbances. Thus registration statutes, *quo warranto* proceedings as to subversive corporations, the subversive instigation of riots and a host of other subjects directly affecting state security furnish grist for the State's legislative mill. Moreover, the right of the State to require the production of corporate papers of a state-chartered corporation in an inquiry to determine whether corporate activity is violative of state policy is, of course, not touched upon in *Nelson* and today stands unimpaired, either by the Smith Act or the *Nelson* opinion.

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[3] N. H. Rev. Stat. Ann., 1955, c. 588, §§ 1–16.

[4] Note 2, *supra.*

Appellant's other objections can be capsuled into the single question of whether New Hampshire, under the facts here, is precluded from compelling the production of the documents by the Due Process Clause of the Fourteenth Amendment. Let us first clear away some of the underbrush necessarily surrounding the case because of its setting.

First, the academic and political freedoms discussed in *Sweezy* v. *New Hampshire, supra,* are not present here in the same degree, since World Fellowship is neither a university nor a political party. Next, since questions concerning the authority of the committee to act as it did are questions of state law, *Dreyer* v. *Illinois,* 187 U. S. 71, 84 (1902), we accept as controlling the New Hampshire Supreme Court's conclusion that "[t]he legislative history makes it clear beyond a reasonable doubt that it [the Legislature] did and does desire an answer to these questions." 101 N. H., at 140, 136 A. 2d, at 221-222. Finally, we assume, without deciding, that Uphaus had sufficient standing to assert any rights of the guests whose identity the committee seeks to determine. See *National Association for the Advancement of Colored People* v. *Alabama,* 357 U. S. 449 (1958). The interest of the guests at World Fellowship in their associational privacy having been asserted, we have for decision the federal question of whether the public interests overbalance these conflicting private ones. Whether there was "justification" for the production orders turns on the "substantiality" of New Hampshire's interests in obtaining the identity of the guests when weighed against the individual interests which the appellant asserts. *National Association for the Advancement of Colored People* v. *Alabama, supra.*

What was the interest of the State? The Attorney General was commissioned[5] to determine if there were any subversive persons[6] within New Hampshire. The obvious starting point of such an inquiry was to learn what persons were within the State. It is therefore clear that the requests relate directly to the Legislature's area of interest, *i.e.*, the presence of subversives in the State, as announced in its resolution. Nor was the demand of the subpoena burdensome; as to time, only a few months of each of the two years were involved; as to place, only the camp conducted by the Corporation; nor as to the lists of names, which included about 300 each year.

Moreover, the Attorney General had valid reason to believe that the speakers and guests at World Fellowship might be subversive persons within the meaning of the New Hampshire Act. The Supreme Court of New Hampshire found Uphaus' contrary position "unrelated to reality." Although the evidence as to the nexus between World Fellowship and subversive activities may not be conclusive, we believe it sufficiently relevant to support the Attorney General's action. The New Hampshire definition of subversive persons was born of the legislative determination that the Communist movement posed a serious threat to the security of the State. The record reveals that appellant had participated in "Communist front" activities and that "[n]ot less than nineteen speakers invited by Uphaus to talk at World Fellowship had either been members of the Communist Party or had connections or affiliations with it or with one or more of the organizations cited as subversive or Communist controlled in the United States

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[5] Note 1, *supra.*

[6] Section 1 of the Subversive Activities Act, N. H. Rev. Stat. Ann., 1955, c. 588, §§ 1–16, defines "subversive person":

" 'Subversive person' means any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches, by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of New Hampshire, or any political subdivision of either of them, by force, or violence; or who is a member of a subversive organization or a foreign subversive organization."

Attorney General's list." 100 N. H., at 442, 130 A. 2d, at 283. While the Attorney General's list is designed for the limited purpose of determining fitness for federal employment, *Wieman* v. *Updegraff*, 344 U. S. 183 (1952), and guilt by association remains a thoroughly discredited doctrine, it is with a legislative investigation—not a criminal prosecution—that we deal here. Certainly the investigatory power of the State need not be constricted until sufficient evidence of subversion is gathered to justify the institution of criminal proceedings.

The nexus between World Fellowship and subversive activities disclosed by the record furnished adequate justification for the investigation we here review. The Attorney General sought to learn if subversive persons were in the State because of the legislative determination that such persons, statutorily defined with a view toward the Communist Party, posed a serious threat to the security of the State. The investigation was, therefore, undertaken in the interest of self-preservation, "the ultimate value of any society," *Dennis* v. *United States*, 341 U. S. 494, 509 (1951). This governmental interest outweighs individual rights in an associational privacy which, however real in other circumstances, cf. *National Association for the Advancement of Colored People* v. *Alabama, supra,* were here tenuous at best. The camp was operating as a public one, furnishing both board and lodging to persons applying therefor. As to them, New Hampshire law requires that World Fellowship, Inc., maintain a register, open to inspection of sheriffs and police officers.[7] It is contended that the list might be "circulated throughout the States and the Attorney Generals throughout the States have cross-indexed files, so that any guest whose name is mentioned in that kind of proceeding immediately becomes suspect, even in his own place of residence." Record, p. 7. The record before us, however, only reveals a report to the Legislature of New Hampshire made by the Attorney General in accordance with the requirements of the resolution. We recognize, of course, that compliance with the subpoena will result in exposing the fact that the persons therein named were guests at World Fellowship. But so long as a committee must report to its legislative parent, exposure—in the sense of disclosure—is an inescapable incident of an investigation into the presence of subversive persons within a State. And the governmental interest in self-preservation is sufficiently compelling to subordinate the interest in associational privacy of persons who, at least to the extent of the guest registration statute, made public at the inception the association they now wish to keep private. In the light of such a record we conclude that the State's interest has not been "pressed, in this instance, to a point where it has come into fatal collision with the overriding" constitutionally protected rights of appellant and those he may represent. *Cantwell* v. *Connecticut,* 310 U. S. 296, 307 (1940).

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[7] Since 1927, there has been in effect the following statute in New Hampshire:

"All hotel keepers and all persons keeping public lodging houses, tourist camps, or cabins shall keep a book or card system and cause each guest to sign therein his own legal name or name by which he is commonly known. Said book or card system shall at all times be open to the inspection of the sheriff or his deputies and to any police officer. . . ." N. H. Rev. Stat. Ann., 1955, c. 353, §3.

The Attorney General represents that the public camp of World Fellowship, Inc., is clearly within the purview of this statute. Although the lists sought were more extensive than those required by the statute, it appears that most of the names were recorded pursuant to it.

We now reach the question of the validity of the sentence. The judgment of contempt orders the appellant confined until he produces the documents called for in the subpoenas. He himself admitted to the court that although they were at hand, not only had he failed to bring them with him to court, but that, further, he had no intention of producing them. In view of appellant's unjustified refusal we think the order a proper one. As was said in *Green* v. *United States,* 356 U. S. 165, 197 (1958) (dissenting opinion):

> "Before going any further, perhaps it should be emphasized that we are not at all concerned with the power of courts to impose conditional imprisonment for the purpose of compelling a person to obey a valid order. Such coercion, where the defendant carries the keys to freedom in his willingness to comply with the court's directive, is essentially a civil remedy designed for the benefit of other parties and has quite properly been exercised for centuries to secure compliance with judicial decrees."

We have concluded that the committee's demand for the documents was a legitimate one; it follows that the judgment of contempt for refusal to produce them is valid. We do not impugn appellant's good faith in the assertion of what he believed to be his rights. But three courts have disagreed with him in interpreting those rights. If appellant chooses to abide by the result of the adjudication and obey the order of New Hampshire's courts, he need not face jail. If, however, he continues to disobey, we find on this record no constitutional objection to the exercise of the traditional remedy of contempt to secure compliance.

Affirmed.

SUPREME COURT OF THE UNITED STATES

No. 34.—October Term, 1958.

Willard Uphaus, Appellant, *v.* Louis C. Wyman, Attorney General, State of New Hampshire.	On Appeal From the Supreme Court of New Hampshire.

[June 8, 1959.]

Mr. Justice Brennan, with whom The Chief Justice, Mr. Justice Black and Mr. Justice Douglas join, dissenting.

The Court holds today that the constitutionally protected rights of speech and assembly of appellant and those whom he may represent are to be subordinated to New Hampshire's legislative investigation because, as applied in the demands made on him, the investigation is rationally connected with a discernible legislative purpose. With due respect for my Brothers' views, I do not agree that a showing of any requisite legislative purpose or other state interest that constitutionally can subordinate appellant's rights is to be found in this record. Exposure purely for the sake of exposure is not such a valid subordinating purpose. *Watkins* v. *United States,* 354 U. S. 178, 187, 200; *Sweezy* v. *New Hampshire,* 354 U. S. 234; *NAACP* v. *Alabama,* 357 U. S. 449. This record, I think, not only fails to reveal any interest of the State sufficient to subordinate appellant's constitutionally protected rights, but affirmatively shows that the investigatory objective was the impermissible one of exposure for exposure's sake. I therefore dissent from the judgment of the Court.

I fully appreciate the delicacy of the judicial task of questioning the workings of a legislative investigation. A proper regard for the primacy of the legislative function in its own field, and for the broad scope of the investigatory power to achieve legislative ends, necessarily should constrain the judiciary to indulge every reasonable intendment in favor of the validity of legislative inquiry. However, our frame of government also imposes another inescapable duty upon the judiciary, that of protecting the constitutional rights of freedom of speech and assembly from improper invasion, whether by the national or the state legislatures. See *Watkins* v. *United States, supra; Sweezy* v. *New Hampshire, supra; NAACP* v. *Alabama, supra.* Where that invasion is as clear as I think this record discloses, the appellant is entitled to our judgment of reversal.

Judicial consideration of the collision of the investigatory function with constitutionally protected rights of speech and assembly is a recent development in our constitutional law. The Court has often examined the validity under the Federal Constitution of federal and state statutes and executive action imposing criminal and other traditional sanctions on conduct alleged to be protected by the guarantees of freedom of speech and of assembly. The role of the state-imposed sanctions of imprisonment, fines and prohibitory injunctions directed against association or speech and their limitations under the First and Fourteenth Amendments has been canvassed quite fully, beginning as early as *Gitlow* v. *New York,* 268 U. S. 652, and *Near* v. *Minnesota,* 283 U. S. 697. And other state action, such as deprivation of public employment and the denial of admission to a profession, has also been recognized as being subject to the restraints of the Constitution. See, *e. g., Wieman* v. *Updegraff,* 344 U. S. 183; cf. *Schware* v. *Board of Bar Examiners,* 353 U. S. 232.

But only recently has the Court been required to begin a full exploration of the impact of the governmental investigatory function on these freedoms.[1] Here is introduced the weighty consideration that the power of investigation, whether exercised in aid of the governmental legislative power, see *Watkins* v. *United States, supra,* or in aid of the governmental power to ajudicate disputes, see *NAACP* v. *Alabama, supra,* is vital to the functioning of free governments and is therefore necessarily broad. But where the exercise of the investigatory power collides with constitutionally guaranteed freedoms, that power too has inevitable limitations, and the delicate and always difficult accommodation of the two with minimum sacrifice of either is the hard task of the judiciary and ultimately of this Court.

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[1] The two leading earlier cases relate generally to the congressional power to investigate, and were not required to explore it in the contexts of freedom of speech and of assembly. *Kilbourn* v. *Thompson,* 103 U. S. 168; *McGrain* v. *Daugherty,* 273 U. S. 135. See the opinion in the latter case, *ibid.,* at 175–176.

It was logical that the adverse effects of unwanted publicity—of exposure—as concomitants of the exercise of the investigatory power, should come to be recognized, in certain circumstances, as invading protected freedoms and offending constitutional inhibitions upon governmental actions. For in an era of mass communications and mass opinion, and of international tensions and domestic anxiety, exposure and group identification by the state of those holding unpopular and dissident views are fraught with such serious consequences for the individual as inevitably to inhibit seriously the expression of views which the Constitution intended to make free. Cf. *Speiser* v. *Randall,* 357 U. S. 513, 526. We gave expression to this truism in *NAACP* v. *Alabama:* "This Court has recognized the vital reationship between freedom to associate and privacy in one's associations. . . . Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." 357 U. S., at 462.

Of course, the considerations entering into the weighing of the interests concerned is different where the problem is one of state exposure in the area of assembly and expression from where the problem is that of evaluating a state criminal or regulatory statute in these areas. Government must have freedom to make an appropriate investigation where there appears a rational connection with the lawmaking process, the processes of adjudication, or other essential governmental functions. In the investigatory stage of the legislative process, for example, the specific interest of the state and the final legislative means to be chosen to implement it are almost by definition not precisely defined at the start of the inquiry, and due allowance must accordingly be made. Also, when exposure is evaluated judicially as a governmental sanction, there should be taken into account the differences between it and the more traditional state-inflicted pains and penalties. True it is, therefore, that any line other than a universal subordination of free expression and association to the asserted interests of the state in investigation and exposure will be difficult of definition; but this Court has rightly turned its back on the alternative of universal subordination of protected interests, and we must define rights in this area the best we can. The problem is one in its nature calling for traditional case-by-case development of principles in the various permutations of circumstances where the conflict may appear. But guide lines must be marked out by the courts. "This is the inescapable judicial task in giving substantive content, legally enforced, to the Due Process Clause, and it is a task ultimately committed to this Court." *Sweezy* v. *New Hampshire,* 354 U. S. 234, 267 (concurring opinion). On the facts of this case I think that New Hampshire's investigation, as applied to the appellant, was demonstrably and clearly outside the wide limits of the power which must be conceded to the State even though it be attended by some exposure. In demonstration of this I turn to the detailed examination of the facts which this case requires.

The appellant, Uphaus, is Executive Director of a group called World Fellowship which runs a discussion program at a summer camp in New Hampshire, at which the public is invited to stay. Various speakers come to the camp primarily for discussion of political, economic and social matters. The appellee reports that Uphaus and some of the speakers have been said by third persons to have a history of association with "Communist front" movements, to have followed the "Communist line," signed amnesty petitions and *amicus curiae* briefs, and carried on similar activities of a sort which have recently been viewed hostilely and suspiciously by many Americans. A strain of pacifism runs through the appellant's thinking, and the appellee apparently would seek to determine whether there should be drawn therefrom an inference of harm for our institutions; he conjectures, officially, whether "the advocacy of this so-called peace crusade is for the purpose of achieving a quicker and a cheaper occupation by the Soviet Union and Communism." There is no evidence that any activity of a sort that violates the law of New Hampshire or could in fact be constitutionally punished went on at the camp. What is clear was that there was some sort of assemblage at the camp that was oriented toward the discussion of political and other public matters. The activities going on were those of private citizens. The views expounded obviously were minority views. But the assemblage was, on its face, for purposes to which the First and Fourteenth Amendments give constitutional protection against incursion by the powers of government. Cf. *Sweezy* v. *New Hampshire, supra,* at 249-251.

The investigation with which this case is concerned was undertaken under authority of a 1953 Resolution of the New Hampshire General Court, N. H. Laws 1953, c. 307, and extended by an enactment in 1955, N. H. Laws, 1955, c. 197. The Resolution directed the Attorney General of the State (appellee here) to make a "full and complete investigation" of "violations of the subversive activities act of 1951"[2] and to determine whether "subversive persons as defined in said act are presently located within the state." Under New Hampshire law, this constituted the Attorney General (who is ordinarily the chief law-enforcement official of the State) a one-man legislative committee. The sanctions of prosecution of individuals and dissolution of organizations for violation of the 1951 law seem to have been discarded, with the passage of the Resolution, in favor of the sanction of exposure. A provision of the 1951 Act providing for confidential treatment of material reflecting on individuals' loyalty was made inapplicable to the investigation the Attorney General was directed to conduct, and the Attorney General was authorized in sweeping terms to give publicity to the details of his investigation. A report to the Legislature of the fruits of the investigation was to be made on the first day of the 1955 legislative session; the 1955 extension called for a similar report to the 1957 session.[3] Efforts to obtain from the appellant the disclosures relative to World Fellowship in controversy here began during the period covered by the 1953 Resolution, but his final refusal and the proceeding for contempt under review here occurred during the extension.

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[2] The Act was c. 193 of the Laws of New Hampshire, 1951. After an extensive preamble, § 1 provided various definitions, including definitions of "subversive organization" and "foreign subversive organization"; the definition of "subversive person," also provided, was: "any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches, by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of New Hampshire, or any political subdivision of either of them, by force, or violence; or who is a member of a subversive organization or a foreign subversive organization." For a discussion of the breadth of this definition, see *Sweezy* v. *New Hampshire, supra,* at 246–247.

Section 2 of the Act defines the crime of sedition. The definition is based on the quoted definition of "subversive person," except that the final "membership clause" is omitted and a "clear and present danger" test is introduced in regard to advocacy, abetting, advising and teaching. Assisting in the formation of a subversive organization or foreign subversive organization, managing one, contributing to its support, destroying its papers, or hiding its funds, "knowing said organization to be a subversive organization or a foreign subversive organization" also constitutes the offense, which is punishable by twenty years' imprisonment or a fine of $20,000, or both. Those who become or remain members of a subversive organization or a foreign subversive organization, after certain dates, "knowing said organization to be a subversive organization or a foreign subversive organization," under § 3, are liable to five years' imprisonment or a $5,000 fine, or both. Section 4 disqualifies those convicted under §§ 2 or 3 from public office or employment, and § 9 erects a similar disqualification in the case of all "subversive persons." Section 5 provides for the dissolution of subversive organizations and foreign subversive organizations functioning in New Hampshire.

The fruits of the first two years of the investigation were delivered to the Legislature in a comprehensive volume on January 5, 1955. The Attorney General urges this report on our consideration as extremely relevant to a consideration of the investigation as it relates to appellant. I think that this is quite the case; the report is an official indication of the nature of the investigation and is, in fact, the stated objective of the duty assigned by the Resolution to the Attorney General. It was with this report before it that the Legislature renewed the investigation, and it must be taken as characterizing the nature of the investigation before us. The report proper is divided into numerous sections. First is a series of general and introductory essays by various authors entitled "Pertinent Aspects of World Communism Today." Essays discuss "The Nature of the Russian Threat"; "The Role of the Communist Front Organizations"; "Some Important Aspects of Marxism and Marxism-Leninism"; "The Test of a Front Organization"; and "Communism vs. Religion." General descriptive matter on the Communist Party in New Hampshire follows. It hardly needs to be said that this introductory material would focus attention on the whole report in terms of "Communism" regardless of what was said about the individuals later named. Next comes a general section titled "Communist Influence in a Field of Eduction" which is replete with names and biographical material of individuals; a similar section on "Communist Influence in the Field of Labor"; and one more generically captioned "Organizations," in which various details as to the appellant, his organition, and others associated in it are presented. Last comes a section entitled "Individuals" in which biographical sketches of 23 persons are presented.

The introductory matter in the volume, to put the matter mildly, showed consciousness of the practical effect of the change of policy from judicial prosecution to exposure by the Attorney General of persons reported to be connected with groups charged to be "subversive" or "substantially Communist-influenced." Virtually the entire "Letter of Transmittal" of the Attorney General addressed itself to discussing the policy used in the report in disclosing the names of individuals. The Attorney General drew a significant distinction as to the names he would disclose: "Persons with past membership of affiliation with the Communist Party or substantially Communist-influenced groups have not been disclosed in this report where those persons have provided assistance to the investigation. It is felt that no good reasons exist requiring a listing of names of cooperative witnesses in these categories." A "Foreword" declared that "[t]his report deals with a controversial subject," and, concentrating on the fact that the report contained an extensive list of persons, their addresses, and miscellaneous activities and associations attributed to them, made several disclaimers. The report was not to be considered an indictment of any individual, the Attorney General suitably pointing out that a grand jury was the only authority in New Hampshire having the formal power of indictment. Nor was it "the result of an inquisition. No witness in this investigation has ever, at any time, been treated other than courteously." Finally, the Attorney General stressed that "[t]he reporting of facts herein does NOT (nor should it be taken to by any reader) constitute a charge against any witness." He observed that "facts are facts . . . . Conclusions of opprobrium relative to any individual, while within the privilege of personal opinion, are neither recommended nor intended to be encouraged by any phraseology of this report." In fact, the listing of names might well contain the names of many innocent people, implied the Attorney General. This was permissible, he believed, because, as interpreted in the courts of New Hampshire, "the scope of relevant questioning in the investigation goes far beyond the requirements of individual felonious intention. In fact, the General Court has directed that inquiry be made to determine the extent of innocent or ignorant membership, affiliation or support of subversive organizations. . . ."

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[3] None appears to have been made.

The report certainly is one that would be suggested by the quoted parts of the foreword. No opinion was, as a matter of course, expressed by the Attorney General as to whether any person named therein was in fact a "subversive person" within the meaning of the statute. The report did not disclose whether any indictments under the 1951 Act would be sought against any person. Its sole recommendations for legislation were for a broad evidentiary statute to be applied in trials of persons under the State Act as "subversive," which cannot really be said to have been the fruit of the investigation, being copied from a then recent Act of Congress,[4] and which made apparently no change in the 1951 law's standard of guilt, and for an immunity measure calculated to facilitate future investigations. The report, once the introductory material on Communism is done with, contains primarily an assorted list of names with descriptions of what had been said about the named persons. In most cases, the caveat of the Attorney General that the information should not be understood as indicating a violation of the New Hampshire Subversive Activities Act was, to say the least, well-taken, in the light of the conduct ascribed to them. Many of the biographical summaries would strike a discerning analyst as very mild stuff indeed. In many cases, a positive diligence was demonstrated in efforts to add the names of individuals to a list and then render a Scotch verdict of "not proven" in regard to them. The most vivid example of this is the material relating to the appellant's group, World Fellowship. After some introductory pages, there comes extensive biographical material relating to the reported memberships, associations, advocacies, and signings of open letters on the part of certain speakers at the World Fellowship camp. A very few had admitted membership in the Communist Party, or had been "identified" as being members by third persons generally not named. Others were said to be or to have been members of "Communist influenced," "front," or "officially cited" groups. Some were said to have signed open letters and petitions against deportations, to have criticized the Federal Bureau of Investigation, to have given free medical treatment to Communist Party officials, and the like. Finally the report addresses itself to the remainder of the speakers: "Information easily available to this office does *not* indicate records of affiliation with or support of Communist causes on the part of these people. However, due to the burden of work imposed on the staff of the House Committee on Un-

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[4] The Communist Control Act of 1954, § 5, c. 886, 68 Stat. 776, 50 U. S. C. § 844.

American Activities by thousands of such requests from all over the country, it has not been possible to check each of these persons thoroughly. Inasmuch as no committee or public agency can hope to have all the information in its files concerning all subversive activity all over this country, it is not possible for this office to guarantee that the following individuals do not have such activities in their backgrounds. Therefore, it is necessary to report their identities to the General Court, with the explanation that based upon what information we have been able to assemble, the following individuals would appear at this time to be the usual contingent of 'dupes' and unsuspecting persons that surround almost every venture that is instigated or propelled by the 'perennials' and articulate apologists for Communists and Soviet chicanery, but of this fact we are not certain. This list does not include the many persons who were merely guests. . . ." The names of 36 persons with their addresses then followed.[5]

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[5] Although the nature of the investigation of individuals is difficult to convey without reproduction of the full report, two individual write-ups from other sections of the book (the names are used in the report but not here) are illustrative.

A two-page item is entitled "The Matter of . . . [X]." It begins: "In recent years there has been opposition to legislative investigations in some academic circles. Charges have been made, usually without an accompanying scintilla of evidence, that 'hysteria' rules the country and that teachers are afraid to teach 'the truth' because of the 'witch hunters.' This line is repeated ad infinitum in the Communist 'Daily Worker.'

"In New Hampshire, during the course of this investigation, a case did arise where rumors were circulated concerning a teacher. . . ."

The report proceeds: "The teacher concerning whom the rumors were circulated was [X], a teacher in the [Y city] public school system. When the rumors concerning Mr. [X] came to the attention of this office, he was invited to testify. . . ."

The report relates that X appeared "voluntarily" and testified "fully" that he was not a member of any organization on the Attorney General's list, and never had been. "This office was prepared to make full investigation of the facts and to make public the results of such an investigation if it would effectuate the purposes of the current probe. [X] resigned and secured employment outside the state. Had [X] not decided to submit his resignation, such a course of action would have been taken, but facilities were not available for inquiring into moot problems. . . ."

The report, after noting that none of its available usual informants had anything damaging to say about X, concludes its discussion of this "matter": "It should be clear to factions who oppose per se any legislative investigation into subversion that such investigations can serve the purpose of insur-

The emphasis of the entire report is on individual guilt, individual near-guilt, and individual questionable behavior. Its flavor and tone, regardless of its introductory disclaimers, cannot help but stimulate readers to attach a "badge of infamy," *Wieman* v. *Updegraff*, 344 U. S. 183, 190–191, to the persons named in it. The authorizing Resolution requested that the Attorney General address himself to ascertaining whether there were "subversive persons" in New Hampshire, and the report indicates that this was interpreted as the making of lists of persons who were either classifiable in this amorphous category, or almost so, and the presenting of the result, as a public, official document, to the Legislature, and to the public generally. The main thrust of the Resolution itself was in terms of individual behavior—violation of the 1951 Act and the presence, in the State, of "subversive persons," were the objects of investigation. The collection of such data, and of data having some peripheral reference to it, with explicit detail as to names and places, was what the Attorney General set himself to doing in response to it. As the report itself stated, "A very considerable amount of questioning is absolutely

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ing legitimate academic interests against unfounded rumor or gossip." We are left to conjecture whether Mr. X would subscribe to the Attorney General's conclusion.

An 11-page write-up is the story of Y, a Chief of Police in a New Hampshire municipality. Y admitted having been a Communist from 1936 till 1944, but said that he withdrew then, and currently regarded the Communist Party as something on a par with Hitler. A witness said that Y's name was on a secret Communist Party list after then. Pages of the details of inconclusive statements and counterstatements in this regard follow, including a "confrontation" of Chief Y and a witness in the Attorney General's office, at which were present the Board of Selectmen of the town for which he was Police Chief. The report then lists various "situations in which Chief [Y] was not able to be of assistance to this investigation" and finally comes to the "Conclusion": "Due to the conspiratorial, clandestine, and currently underground nature of the Communist Party, as well as the inability to force witnesses to testify concerning subversive activities, the above conflicts in testimony here have not been resolved and are presented as they exist on the record, without further comment. . . ."

The usual individual biography is shorter and less detailed than this; many just state the individual's name and street address, set forth a reference to him in the Daily Worker or an "identification" with the Communist Party at some date or with a "front" group, and state that the subject invoked or took refuge in the privilege against self-incrimination when questioned before the Attorney General.

essential to separate the wheat from the chaff in applying the legislative formula to individual conduct which involves that part of the spectrum very close to the line of subversive conduct. Only through such questioning is it possible to be able to report to the Legislature whether the activity of a given individual has been subversive or not subversive; whether or not intentionally so or knowingly so on his part." One must feel, on reading the report, that the first sentence—"A very considerable amount of questioning is absolutely essential . . . in applying the legislative formula to individual conduct which involves that part of the spectrum very close to the line of subversive conduct"—is a serious overstatement, because in the usual citation of a person in the report no expression of his innocence or guilt, or his precise coloration in the Attorney General's spectrum was given. But still the report was made in terms of the activity of named individuals. Of course, if the Attorney General had information relating to guilt under the statute, he was empowered to seek indictment and conviction of the offenders in criminal proceedings, in which of course the normal rights afforded criminal defendants and the normal limitations on state prosecution for conduct related to political association and expression, under the Constitution, would apply. The citation of names in the book does not appear to have any relation to the possibility of an orthodox or traditional criminal prosecution, and the Attorney General seems to acknowledge this. The investigation in question here was not one ancillary to a prosecution—to grand jury or trial procedure. If it had been, if a definite prosecution were undertaken, we would have that narrowed context in which to relate the State's demand for exposure. Cf. *NAACP* v. *Alabama, supra,* at 464–465. This process of relation is part and parcel of examining the "substantiality" of the State's interest in the concrete context in which it is alleged. But here we are without the aid of such a precise issue and our task requires that we look further to ascertain whether this legislative investigation, as applied in the demands made upon the appellant, is connected rationally with a discernible general legislative end to which the rights of the appellant and those whom he may represent can constitutionally be subordinated.

The Legislature, upon receiving the report, extended the investigation for a further two years. It was during this period that the refusals of the appellant to furnish information with which we are now concerned took place. The Attorney General had already published the names of speakers at the World Fellowship camp. Now he wanted the correspondence between Uphaus and the speakers. The Attorney General admitted that it was unlikely that the correspondence between Uphaus and the speakers was going to contain a damning admission of a purpose to advocate the overthrow of the government (presumably of New Hampshire) by force and violence. He said that it might indicate a sinister purpose behind the advocacy of pacifism—"the purpose of achieving a quicker and a cheaper occupation by the Soviet Union and Communism." The guest list, the nonavailability of which to the Attorney General was commented on in the passage from the 1955 report quoted above,[6] was also desired. Appellant's counsel, at the hearing in court giving rise to the contempt finding under review, protested that appellant did not want to allow the Attorney General to have the names to expose them. The Attorney General also wished the names of the nonprofessional help at the camp—the cooks and dishwashers and the like. It was objected that the cooks and dishwashers were hired from the local labor pool and that if such employment were attended by a trip to the Attorney General's office and the possibility of public exposure, help might become hard to find at the camp. This last objection was sustained in the trial court, but the other two inquiries were allowed and appellant's failure to respond to the one relating to the guest list was found contemptuous.

First. The Court seems to experience difficulty in discerning that appellant has any standing to plead the rights of free speech and association he does because the material he seeks to withhold may technically belong to World Fellowship, Inc., a corporation, and may relate to the protected activities of other persons, rather than those of himself. In *NAACP* v. *Alabama, supra,* a corporation was permitted to represent its membership in pleading their rights to freedom of association for public purposes. Here appellant, as a corporate officer if one will, seeks to protect a list of those who have assembled together for public discussion on the corporation's premises. Of course this is not technically a membership list, but to distinguish *NAACP* v. *Alabama* on this ground is to miss its point. The point is that if the members of the assemblage could only plead their assembly rights themselves, the very interest being safeguarded by the Constitution here could never be protected meaningfully, since to require that the guests claim this right themselves would "result in nullification of the right at the very moment of its assertion." *Id.*, at 459. I do not think it likely that anyone would deny the right of a bookseller (including a corporate bookseller) to decline to produce the names of those who had purchased his books. Cf. *United States* v. *Rumely*, 345 U. S. 41, 57 (concurring opinion), and the opinion below in that case, 197 F. 2d 166, 172.[7]

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[6] See, p. 11, *supra.*

Second. In examining the right of the State to obtain this information from the appellant by compulsory process, we must recollect what we so recently said in *NAACP* v. *Alabama:*

> "Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly. *DeJonge* v. *Oregon*, 299 U. S. 353, 364; *Thomas* v. *Collins*, 323 U. S. 516, 530. It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech. See *Gitlow* v. *New York*, 268 U. S. 652, 666; *Palko* v. *Connecticut*, 302 U. S. 319, 324; *Cantwell* v. *Connecticut*, 310 U. S. 296, 303; *Staub* v. *City of Baxley*, 355 U. S. 313, 321. Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters, and state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny." 357 U. S., at 460–461.

And in examining the State's interest in carrying out a legislative investigation, as was said in a similar context in *United States* v. *Rumely, supra,* at 44, we must strive not to be "that 'blind' Court, against which Mr. Chief Justice Taft admonished in a famous passage . . . that does not see what '[a]ll others can see and understand.'" The problem of protecting the citizen's constitutional rights from legislative investigation and exposure is a practical one, and we must take a practical, realistic approach to it.

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[7] The Court, apparently, draws some support from the New Hampshire lodging house registration statute for its conclusions about the lack of substantiality of the guests' interests in nondisclosure. Since the statute admittedly would not cover what the Attorney General desired to obtain and since the New Hampshire courts themselves did not rest on it, it is difficult to find any basis for this reliance. It would be time enough to deal with a production order based on that statute when it arose.

Most legislative investigations unavoidably involve exposure of some sort or another. But it is quite clear that exposure was the very core, and deliberately and purposefully so, of the legislative investigation we are concerned with here. The Legislature had passed a broad and comprehensive statute, which included criminal sanctions. That statute was, to say the least, readily susceptible of many applications in which it might enter a constitutional danger zone. See *Yates* v. *United States,* 354 U. S. 298, 319. And it could not be applied at all insofar as it amounted to a sanction for behavior directed against the United States. *Pennsylvania* v. *Nelson,* 350 U. S. 497. Therefore, indictment would be fraught with constitutional and evidentiary problems of an obvious and hardly subtle nature. This may suggest the reason why the pattern of application of the Subversive Activities statute in New Hampshire was not through the processes of indictment. The Resolution was cast in terms of an investigation of conduct restricted by this existing statute. The Resolution and the Attorney General's implementation of it reveal the making of a choice. The choice was to reach the end of exposure through the process of investigation, backed with the contempt power and the making of reports to the Legislature, of persons and groups thought to be somehow related to offenses under the statute or, further, to an uncertain penumbra of conduct about the proscribed area of the statute. And, as was said of the same investigation in *Sweezy* v. *New Hampshire, supra,* at 248: "The program for the rooting out of subversion . . . [was] drawn without regard to the presence or absence of guilty knowledge in those affected." The sanction of exposure was applied much more widely than anyone could remotely suggest that even traditional judicial sanctions might be applied in this area.

One may accept the Court's truism that preservation of the state's existence is undoubtedly a proper purpose for legislation.

But, in descending from this peak of abstraction to the facts of this case, one must ask the question: What relation did this investigation of individual conduct have to legislative ends here? If bills of attainder were still a legitimate legislative end, it is clear that the investigations and reports might naturally have furnished the starting point (though only that) for a legislative adjudication of guilt under the 1951 Act. But what other legislative purpose was actually being fulfilled by the course taken by this investigation, with its overwhelming emphasis on individual associations and conduct?

The investigation, as revealed by the report, was overwhelmingly and predominantly a roving, self-contained investigation of individual and group behavior, and behavior in a constitutionally protected area. Its whole approach was to name names, disclose information about those named, and observe that "facts are facts." The New Hampshire Supreme Court has upheld the investigation as being a proper legislative inquiry, it is true. In *Nelson* v. *Wyman*, 99 N. H. 33, 38, 105 A. 2d 756, 763, it said: "No sound basis can exist for denying to the Legislature the power to so investigate the effectiveness of its 1951 act even though, as an incident to that general investigation, it may be necessary to inquire as to whether a particular person has violated the act. . . . When the investigation provided for is a general one, the discovery of a specific, individual violation of law is collateral and subordinate to the main object of the inquiry." In evaluating this, it must be admitted that maintenance of the separation of powers in the States is not, in and of itself, a concern of the Federal Constitution. *Sweezy* v. *New Hampshire, supra,* at 255; *Crowell* v. *Benson,* 285 U. S. 22, 57. But for an investigation in the field of the constitutionally protected freedoms of speech and assemblage to be upheld by the broad standards of relevance permissible in a legislative inquiry, some relevance to a valid legislative purpose must be shown, and certainly the ruling made below, that under the state law the Legislature has authorized the inquiry, *Wyman* v. *Uphaus,* 100 N. H. 436, 445, 130 A. 2d 278, 285, does not conclude the issue here. The bare fact that the Legislature has authorized the inquiry does not mean that the inquiry is for a valid legislative end when viewed in the light of the federal constitutional test we must apply. Nor, while it is entitled to weight, is the determination by a state court that the inquiry relates to a valid legislative end conclusive. It is the task of this Court, as the Court recognizes in theory today, to evaluate the facts to determine if there actually has been demonstrated a valid legislative end to which the inquiry is related. With all due respect, the quoted observations of the New Hampshire Supreme Court in the case of *Nelson* v. *Wyman* bear little relationship to the course of the inquiry, as revealed by the report published after that decision. The report discloses an investigation in which the processes of law-making and law-evaluating were submerged entirely in exposure of individual behavior—in adjudication, of a sort, however much disclaimed, through the exposure process.[8] If an investigation or trial, conducted by any organ of the State, which is aimed at the application of sanctions to individual behavior is to be upheld, it must meet the traditional standards that the common law in this country has established for the application of sanctions to the individual, or a constitutionally permissible modification of them. Cf. *Kilbourn* v. *Thompson,* 103 U. S. 168, 195. As a bare minimum there must be general standards of conduct, substantively constitutionally proper, applied to the individual in a fair proceeding with defined issues resulting in a binding, final determination. I had not supposed that a legislative investigation of the sort practiced here provided such a framework under the Constitution.

It is not enough to say, as the Court's position I fear may amount to, that what was taking place was an investigation and until the Attorney General and the Legislature had in all the data, the precise shape of the legislative action to be taken was necessarily unknown. Investigation and exposure, in the area which we are here concerned with, are not recognized as self-contained legislative powers in themselves. See *Watkins* v. *United States, supra,* at 200. Cf. *NAACP* v. *Alabama, supra.* Since this is so, it hardly fulfills the responsibility with which this Court is charged, of protecting the constitutional rights of freedom of speech and assembly, to admit that an investigation going on indefinitely in time, roving in subject matter, and cumulative in detail in this area can be in aid of a valid legislative end, on the theory that some day it may come to some point. Even the most abusive investigation, the one most totally committed to the constitutionally impermissible end of individual adjudication through publication, could pass such a test. At the stage of this investigation that we are concerned with, it continued to be a cumulative, broad inquiry into the specific details of past individual and associational behavior in the political area. It appears to have been a classic example of "a fruitless investigation into the personal affairs of individuals." *Kilbourn* v. *Thompson, supra,* at 195. Investigation appears to have been a satisfactory end product for the State, but it cannot be so for us in this case as we evaluate the demands of the Constitution. Nor can we accept the legislative renewal of the investigation, or the taking of other legislative measures to facilitate the investigation, as being themselves the legislative justification of the inquiry. The report indicates that it so viewed them; in requesting legislation renewing the investigation and an investigation immunity statute, the Attorney General significantly stated that if the renewal legislation or some investigatory substitute were not passed, it "would mean no further investigation, no continuing check upon Communist activities . . . ." This is just to admit the continuing existence of the investigation as a self-contained justification for the inquiry. However much the State may be content to rely on the investigation as its own sanction, I think it perfectly plain that it cannot be regarded as a justification here. Nor can the faint possibility that an already questionably broad criminal statute might be further broadened, if constitutionally permissible, be considered the subordinating legislative purpose here, particularly in the light of what the investigation was in fact as revealed by its report. Of course, after further investigation and further reports, legislation of some sort might eventuate, or at least be considered. Perhaps it might be rejected because of serious doubts as to its constitutionality—which would, I think, underline the point I am making. But on such airy speculation, I do not see how we can say that the State has made any showing that this investigation, which on its surface has an overwhelming appearance of a simple, wide-ranging exposure campaign, presents an implementation of a subordinating law-making interest that, as the Court concedes, the State must be shown to have.

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[8] While as a general matter it is true that a State can distribute its governmental powers as it sees fit, as far as the Federal Constitution is concerned, it is also true that (regardless of what organ exercises the functions) different constitutional tests apply in examining state legislative and state adjudicatory powers. See *Bi-Metallic Investment Co.* v. *State Board of Equalization,* 239 U. S. 441.

This Court's approach to a very similar problem in *NAACP* v. *Alabama, supra,* should furnish a guide to the proper course of decision here. There the State demonstrated a definite purpose which was admittedly within its competence. That purpose was the ascertainment whether a foreign corporation was unlawfully carrying on local activities within Alabama's borders, because not qualified to do business in the manner required by state law. In a judicial proceeding having this as its express stated purpose, the State sought to obtain the membership list of the corporation. This Court carefully recognized the curbing of associational freedom that the disclosure called for by this inquiry would entail. It then analyzed the relationship between the inquiry and this purpose, and concluding that there was no rational connection, it held the inquiry constitutionally impermissible. Here the situation is even more extreme; there is no demonstration at all of what the legislative purpose is, outside of the investigation of violations, suspicions of violations, and conduct raising some question of violation, of an existing statute.[9] It is anomalous to say, as I fear the Court says today, that the vaguer the State's interest is, the more laxly will the Court view the matter and indulge a presumption of the existence of a valid subordinating state interest. In effect, a roving investigation and exposure of past associations and expressions in the political field is upheld because it might lead to some sort of legislation which might be sustained as constitutional, and the entire process is said to become the more defensible rather than the less because of the vagueness of the issues. The Court says that the appellant cannot argue against the exposure because this is an investigation and the exposure may make the investigation lead somewhere, possibly to legislative action. But this is just to say that an investigation, once under state law it is classified as "legislative," needs no showing of purpose beyond its own existence. A start must be made somewhere, and if the principles this Court has announced, and to which the Court today makes some deference, are to have any meaning, it must be up to the State to make some at least plausible disclosure of its law-making interest so that the relevance of its inquiries to it may be tested. Then the courts could begin to evaluate the justification for the impact on the individual's rights of freedom of speech and assembly. But here not only has the State failed to begin to elucidate such an interest; it has positively demonstrated, it appears to me, through its Resolution, the Attorney General's and the state courts' interpretation of it, and the Resolution's re-enactment, that what it is interested in is exposure, in lieu of prosecution, and nothing definable else.

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[9] Cf. the address of Mr. William T. Gossett, Vice-President and General Counsel of Ford Motor Company at the Annual Brotherhood Dinner, Detroit, Michigan, November 20, 1958, in which he said:

"We must urge upon our law-makers a scrupulous exactness, particularly in the exercise of their investigative powers. When we are frustrated by the feeling that certain people—suspected subversives, gangsters or labor racketeers, for example—have flaunted society with impunity, it is tempting to pillory them through prolonged public exposure to hearsay testimony, intemperate invective and other forms of abuse. But to try by such means to destroy those whom we are unable to convict by due process of law may destroy instead the very safeguards that protect us all against tyranny and arbitrary power."

The precise details of the inquiry we are concerned with here underline this. The Attorney General had World Fellowship's speaker list and had already made publication of it in the fashion to which I have alluded. He had considerable other data about World Fellowship, Inc., which he had already published. What reason has been demonstrated, in terms of a legislative inquiry, for going into the matter in further depth? Outside of the fact that it might afford some further evidence as to the existence of "subversive persons" within the State, which I have endeavored to show was not in itself a matter related to any legislative function except self-contained investigation and exposure themselves, the relevance of further detail is not demonstrated. But its damaging effect on the persons to be named in the guest list is obvious. And since the only discernible purpose of the investigation on this record is revealed to be investigation and exposure *per se,* and the relevance of the names to that purpose alone is quite apparent, this discloses the constitutional infirmity in the inquiry which requires us to strike down the adjudication of contempt in question here.

The Court describes the inquiry we must make in this matter as a balancing of interests. I think I have indicated that there has been no valid legislative interest of the State actually defined and shown in the investigation as it operated, so that there is really nothing against which the appellant's rights of association and expression can be balanced. But if some proper legislative end of the inquiry can be surmised, through what must be a process of speculation, I think it is patent that there is really no subordinating interest in it demonstrated on the part of the State. The evidence inquired about was simply an effort to get further details about an activity as to which there already were considerable details in the hands of the Attorney General. I can see no serious and substantial relationship between the furnishing of these further minutiae about what was going on at the World Fellowship camp and the process of legislation, and it is the process of legislation, the consideration of the enactment of laws, with which ultimately we are concerned. We have a detailed inquiry into an assemblage the general contours of which were already known on the one hand, and on the other the remote and speculative possibility of some sort of legislation—albeit legislation in a field where there are serious constitutional limitations. We have this in the context of an inquiry which was in practice being conducted in its overwhelming thrust as a vehicle of exposure, and where the practice had been followed of publishing names on the basis of a "not proven" verdict. We are not asked to hold that the State cannot carry on such fact-finding at all, with or without compulsory process. Nor are we asked to hold that as a general matter compulsory process cannot be used to amass facts whose initial relevance to an ultimate legislative interest may be remote. Cf. *McGrain* v. *Daugherty*, 273 U. S. 135, 176–180.[10] We deal with a narrow and more subtle problem. We deal here with inquiries into the areas of free speech and assemblage where the process of compulsory disclosure itself tends to have a repressive effect. Cf. *Speiser* v. *Randall, supra.* We deal only with the power of the State to *compel* such a disclosure. We are asked, in this narrow context, only to give meaning to our statement in *Watkins* v. *United States, supra,* at 198, "that the mere semblance of a legislative purpose would not justify an inquiry in the face of the Bill of Rights." Here we must demand some initial showing by the State sufficient to counterbalance the interest in privacy as it relates to freedom of speech and assembly. On any basis that has practical meaning, New Hampshire has not made such a showing here. I would reverse the judgment of the New Hampshire Supreme Court.

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[10] *McGrain* v. *Daugherty* found legislative justification in a congressional inquiry which presented a rather strong element of exposure of past wrongdoing, to be sure. But the possibility of legislation was much more real than is the case here, and the legislative subject matter—control and regulation of the structure and workings of an executive department—was one not fraught with the constitutional problems presented by legislation in the field of political advocacy and assembly. And the inquiry itself, most significantly, was not directed at private assembly and discussion, but at the conduct of a public official in office; it did not have the inhibitory effect on basic political freedoms that the inquiry we are here concerned with presents. Cf. *Watkins* v. *United States, supra,* at 200, n. 33. The *Daugherty* case is basically, then, one relating to the distribution of powers among branches of the Federal Government.

MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS would decide this case on the ground that appellant is being deprived of rights under the First and Fourteenth Amendments, for the reasons developed in *Adler* v. *Board of Education,* 342 U. S. 485, 508 (dissenting opinion); *Beauharnais* v. *Illinois,* 343 U. S. 250, 267, 284 (dissenting opinions). But they join MR. JUSTICE BRENNAN'S dissent because he makes clear to them that New Hampshire's legislative program resulting in the incarceration of appellant for contempt violates Art. I, § 10 of the Constitution which provides that "No State shall . . . pass any Bill of Attainder." See *United States* v. *Lovett,* 328 U. S. 303, 315–318, and cases cited; *Joint Anti-Fascist Refugee Committee* v. *McGrath,* 341 U. S. 123, 142–149 (concurring opinion).

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